

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-7-15-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The general
5 assembly finds that the following offices in Indiana provide public
6 assistance within the scope of NVRA:
7 (1) Each county office of family and children established under
8 IC 12-19-1 that administers:
9 (A) the Aid to Families with Dependent Children program
10 (AFDC) under IC 12-14; or
11 (B) the Medicaid program under IC 12-15.
12 (2) Each office of the division of family ~~and children resources~~
13 that administers the food stamp program under federal law.
14 (3) Each office of the state department of health that administers
15 the Special Supplemental Nutrition Program for the Women,
16 Infants and Children Program (WIC) under IC 16-35-1.5.
17 SECTION 2. IC 3-10-8-4.5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. Whenever the
19 election division receives a notice under section 4 of this chapter, the
20 election division shall notify the following offices and agencies that a
21 special election will be conducted within all or part of Indiana:

- 1 (1) Each agency serving persons with disabilities and designated
- 2 as a voter registration site under IC 3-7-16.
- 3 (2) Armed forces recruitment offices in accordance with
- 4 procedures established under IC 3-7-17.
- 5 (3) Each agency designated as a voter registration site and subject
- 6 to IC 3-7-18.
- 7 (4) The alcohol and tobacco commission for purposes of enforcing
- 8 IC 7.1-5-10-1.
- 9 (5) The bureau of motor vehicles for voter registration purposes
- 10 under IC 9-24-2.5.
- 11 (6) The adjutant general for purposes of enforcing IC 10-16-7-17.
- 12 (7) The division of family ~~and children~~ **resources** for voter
- 13 registration purposes under IC 12-14-1.5, IC 12-14-25, and
- 14 IC 12-15-1.5.
- 15 (8) The state department of health for voter registration purposes
- 16 under IC 16-35-1.6.
- 17 (9) The Federal Voting Assistance Program of the United States
- 18 Department of Defense, for notification of absent uniformed
- 19 services voters and overseas voters.
- 20 SECTION 3. IC 4-1-8-1, AS AMENDED BY P.L.246-2005,
- 21 SECTION 37, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be
- 23 compelled by any state agency, board, commission, department, bureau,
- 24 or other entity of state government (referred to as "state agency" in this
- 25 chapter) to provide the individual's Social Security number to the state
- 26 agency against the individual's will, absent federal requirements to the
- 27 contrary. However, the provisions of this chapter do not apply to the
- 28 following:
- 29 (1) Department of state revenue.
- 30 (2) Department of workforce development.
- 31 (3) The programs administered by:
- 32 (A) the division of family ~~and children~~ **resources**;
- 33 (B) the division of mental health and addiction;
- 34 (C) the division of disability, aging, and rehabilitative services;
- 35 and
- 36 (D) the office of Medicaid policy and planning;
- 37 of the office of the secretary of family and social services.
- 38 (4) Auditor of state.

- 1 (5) State personnel department.
- 2 (6) Secretary of state, with respect to the registration of
- 3 broker-dealers, agents, and investment advisors.
- 4 (7) The legislative ethics commission, with respect to the
- 5 registration of lobbyists.
- 6 (8) Indiana department of administration, with respect to bidders
- 7 on contracts.
- 8 (9) Indiana department of transportation, with respect to bidders
- 9 on contracts.
- 10 ~~(10) Health professions bureau.~~
- 11 ~~(11)~~ (10) Indiana professional licensing agency.
- 12 ~~(12)~~ (11) Department of insurance, with respect to licensing of
- 13 insurance producers.
- 14 **(12) The department of child services.**
- 15 ~~(13)~~ (13) A pension fund administered by the board of trustees of
- 16 the public employees' retirement fund.
- 17 ~~(14)~~ (14) The Indiana state teachers' retirement fund.
- 18 ~~(15)~~ (15) The state police benefit system.
- 19 ~~(16)~~ (16) The alcohol and tobacco commission.
- 20 (b) The bureau of motor vehicles may, notwithstanding this chapter,
- 21 require the following:
 - 22 (1) That an individual include the individual's Social Security
 - 23 number in an application for an official certificate of title for any
 - 24 vehicle required to be titled under IC 9-17.
 - 25 (2) That an individual include the individual's Social Security
 - 26 number on an application for registration.
 - 27 (3) That a corporation, limited liability company, firm,
 - 28 partnership, or other business entity include its federal tax
 - 29 identification number on an application for registration.
- 30 (c) The Indiana department of administration, the Indiana
- 31 department of transportation, ~~the health professions bureau~~, and the
- 32 Indiana professional licensing agency may require an employer to
- 33 provide its federal employer identification number.
- 34 (d) The department of correction may require a committed offender
- 35 to provide the offender's Social Security number for purposes of
- 36 matching data with the Social Security Administration to determine
- 37 benefit eligibility.
- 38 (e) The Indiana gaming commission may, notwithstanding this

1 chapter, require the following:

2 (1) That an individual include the individual's Social Security
3 number in any application for a riverboat owner's license,
4 supplier's license, or occupational license.

5 (2) That a sole proprietorship, a partnership, an association, a
6 fiduciary, a corporation, a limited liability company, or any other
7 business entity include its federal tax identification number on an
8 application for a riverboat owner's license or supplier's license.

9 (f) Notwithstanding this chapter, the department of education
10 established by IC 20-19-3-1 may require an individual who applies to
11 the department for a license or an endorsement to provide the
12 individual's Social Security number. The Social Security number may
13 be used by the department only for conducting a background
14 investigation, if the department is authorized by statute to conduct a
15 background investigation of an individual for issuance of the license or
16 endorsement.

17 SECTION 4. IC 4-12-1-14.2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.2. Notwithstanding
19 any other law, all oil overcharge funds received from the federal
20 government are annually appropriated to the division of family ~~and~~
21 ~~children resources~~ for the division's use in carrying out the home
22 energy assistance program. The amount of this annual appropriation for
23 a state fiscal year is equal to:

24 (1) the total amount necessary to carry out the program during that
25 fiscal year; minus

26 (2) the amount of federal low income energy assistance funds
27 available for the program during that state fiscal year.

28 SECTION 5. IC 4-15-2-3.8, AS AMENDED BY P.L.218-2005,
29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

31 (1) employees and officers, including the incumbent directors, of
32 the county offices of family and children; and

33 (2) employees and officers, except members of boards and
34 commissions or individuals hired for or appointed to, after June
35 30, 1982, positions as appointing authorities, deputies, assistants
36 reporting to appointing authorities, or supervisors of major units
37 within state agencies, irrespective of the title carried by those
38 positions, of the division of disability, aging, and rehabilitative

services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, ~~department of fire and building services, state emergency management agency~~ **department of homeland security** (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family ~~and children~~, **resources, department of child services**, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department."

Page 5, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 12. IC 5-2-15-4, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A law enforcement agency that discovers a child less than fourteen (14) years of age at a methamphetamine laboratory shall notify the ~~division of family and children~~. **department of child services**."

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 14. IC 5-20-1-4, AS AMENDED BY P.L.235-2005, SECTION 88, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

(1) to make or participate in the making of construction loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;

(2) to make or participate in the making of mortgage loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;

(3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;

(4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;

(5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;

(6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber

- 1 such real property where such use of real property is necessary or
- 2 appropriate to the purposes of the authority;
- 3 (7) to sell, at public or private sale, all or any part of any mortgage
- 4 or other instrument or document securing a construction loan, a
- 5 land development loan, a mortgage loan, or a loan of any type
- 6 permitted by this chapter;
- 7 (8) to procure insurance against any loss in connection with its
- 8 operations in such amounts and from such insurers as it may deem
- 9 necessary or desirable;
- 10 (9) to consent, subject to the provisions of any contract with
- 11 noteholders or bondholders which may then exist, whenever it
- 12 deems it necessary or desirable in the fulfillment of its purposes
- 13 to the modification of the rate of interest, time of payment of any
- 14 installment of principal or interest, or any other terms of any
- 15 mortgage loan, mortgage loan commitment, construction loan,
- 16 loan to lender, or contract or agreement of any kind to which the
- 17 authority is a party;
- 18 (10) to enter into agreements or other transactions with any
- 19 federal, state, or local governmental agency for the purpose of
- 20 providing adequate living quarters for such persons and families
- 21 in cities and counties where a need has been found for such
- 22 housing;
- 23 (11) to include in any borrowing such amounts as may be deemed
- 24 necessary by the authority to pay financing charges, interest on
- 25 the obligations (for a period not exceeding the period of
- 26 construction and a reasonable time thereafter or if the housing is
- 27 completed, two (2) years from the date of issue of the obligations),
- 28 consultant, advisory, and legal fees and such other expenses as are
- 29 necessary or incident to such borrowing;
- 30 (12) to make and publish rules respecting its lending programs and
- 31 such other rules as are necessary to effectuate the purposes of this
- 32 chapter;
- 33 (13) to provide technical and advisory services to sponsors,
- 34 builders, and developers of residential housing and to residents
- 35 and potential residents, including housing selection and purchase
- 36 procedures, family budgeting, property use and maintenance,
- 37 household management, and utilization of community resources;
- 38 (14) to promote research and development in scientific methods

- 1 of constructing low cost residential housing of high durability;
- 2 (15) to encourage community organizations to participate in
- 3 residential housing development;
- 4 (16) to make, execute, and effectuate any and all agreements or
- 5 other documents with any governmental agency or any person,
- 6 corporation, association, partnership, limited liability company, or
- 7 other organization or entity necessary or convenient to accomplish
- 8 the purposes of this chapter;
- 9 (17) to accept gifts, devises, bequests, grants, loans,
- 10 appropriations, revenue sharing, other financing and assistance
- 11 and any other aid from any source whatsoever and to agree to, and
- 12 to comply with, conditions attached thereto;
- 13 (18) to sue and be sued in its own name, plead and be impleaded;
- 14 (19) to maintain an office in the city of Indianapolis and at such
- 15 other place or places as it may determine;
- 16 (20) to adopt an official seal and alter the same at pleasure;
- 17 (21) to adopt and from time to time amend and repeal bylaws for
- 18 the regulation of its affairs and the conduct of its business and to
- 19 prescribe rules and policies in connection with the performance of
- 20 its functions and duties;
- 21 (22) to employ fiscal consultants, engineers, attorneys, real estate
- 22 counselors, appraisers, and such other consultants and employees
- 23 as may be required in the judgment of the authority and to fix and
- 24 pay their compensation from funds available to the authority
- 25 therefor;
- 26 (23) notwithstanding IC 5-13, but subject to the requirements of
- 27 any trust agreement entered into by the authority, to invest:
- 28 (A) the authority's money, funds, and accounts;
- 29 (B) any money, funds, and accounts in the authority's custody;
- 30 and
- 31 (C) proceeds of bonds or notes;
- 32 in the manner provided by an investment policy established by
- 33 resolution of the authority;
- 34 (24) to make or participate in the making of construction loans,
- 35 mortgage loans, or both, to individuals, partnerships, limited
- 36 liability companies, corporations, and organizations for the
- 37 construction of residential facilities for the developmentally
- 38 disabled or for the mentally ill or for the acquisition or renovation,

1 or both, of a facility to make it suitable for use as a new residential
 2 facility for the developmentally disabled or for the mentally ill;
 3 (25) to make or participate in the making of construction and
 4 mortgage loans to individuals, partnerships, corporations, limited
 5 liability companies, and organizations for the construction,
 6 rehabilitation, or acquisition of residential facilities for children;
 7 (26) to purchase or participate in the purchase of mortgage loans
 8 from:

9 (A) public utilities (as defined in IC 8-1-2-1); or

10 (B) municipally owned gas utility systems organized under
 11 IC 8-1.5;

12 if those mortgage loans were made for the purpose of insulating
 13 and otherwise weatherizing single family residences in order to
 14 conserve energy used to heat and cool those residences;

15 (27) to provide financial assistance to mutual housing associations
 16 (IC 5-20-3) in the form of grants, loans, or a combination of grants
 17 and loans for the development of housing for low and moderate
 18 income families;

19 (28) to service mortgage loans made or acquired by the authority
 20 and to impose and collect reasonable fees and charges in
 21 connection with such servicing; and

22 (29) subject to the authority's investment policy, to enter into
 23 swap agreements (as defined in IC 8-9.5-9-4) in accordance with
 24 IC 8-9.5-9-5 and IC 8-9.5-9-7.

25 The omission of a power from the list in this subsection does not imply
 26 that the authority lacks that power. The authority may exercise any
 27 power that is not listed in this subsection but is consistent with the
 28 powers listed in this subsection to the extent that the power is not
 29 expressly denied by the Constitution of the State of Indiana or by
 30 another statute.

31 (b) The authority shall structure and administer any program
 32 conducted under subsection (a)(3) or (a)(4) in order to assure that no
 33 mortgage loan shall knowingly be made to a person whose adjusted
 34 family income shall exceed one hundred twenty-five percent (125%) of
 35 the median income for the geographic area within which the person
 36 resides and at least forty percent (40%) of the mortgage loans so
 37 financed shall be for persons whose adjusted family income shall be
 38 below eighty percent (80%) of the median income for such area.

1 (c) In addition to the powers set forth in subsection (a), the authority
2 may, with the proceeds of bonds and notes sold to retirement plans
3 covered by IC 5-10-1.7, structure and administer a program of
4 purchasing or participating in the purchasing from mortgage lenders of
5 mortgage loans made to qualified members of retirement plans and
6 other individuals. The authority shall structure and administer any
7 program conducted under this subsection to assure that:

8 (1) each mortgage loan is made as a first mortgage loan for real
9 property:

10 (A) that is a single family dwelling, including a condominium
11 or townhouse, located in Indiana;

12 (B) for a purchase price of not more than ninety-five thousand
13 dollars (\$95,000);

14 (C) to be used as the purchaser's principal residence; and

15 (D) for which the purchaser has made a down payment in an
16 amount determined by the authority;

17 (2) no mortgage loan exceeds seventy-five thousand dollars
18 (\$75,000);

19 (3) any bonds or notes issued which are backed by mortgage loans
20 purchased by the authority under this subsection shall be offered
21 for sale to the retirement plans covered by IC 5-10-1.7; and

22 (4) qualified members of a retirement plan shall be given
23 preference with respect to the mortgage loans that in the aggregate
24 do not exceed the amount invested by their retirement plan in
25 bonds and notes issued by the authority that are backed by
26 mortgage loans purchased by the authority under this subsection.

27 (d) As used in this section, "a qualified member of a retirement plan"
28 means an active or retired member:

29 (1) of a retirement plan covered by IC 5-10-1.7 that has invested
30 in bonds and notes issued by the authority that are backed by
31 mortgage loans purchased by the authority under subsection (c);
32 and

33 (2) who for a minimum of two (2) years preceding the member's
34 application for a mortgage loan has:

35 (A) been a full-time state employee, teacher, judge, police
36 officer, or firefighter;

37 (B) been a full-time employee of a political subdivision
38 participating in the public employees' retirement fund;

1 (C) been receiving retirement benefits from the retirement
2 plan; or

3 (D) a combination of employment and receipt of retirement
4 benefits equaling at least two (2) years.

5 (e) Beginning with the 1991 program year, the authority, when
6 directed by the governor, shall administer:

7 (1) the rental rehabilitation program established by the Housing
8 Assistance Act of 1937 (42 U.S.C. 1437o); and

9 (2) federal funds allocated to the rental rehabilitation program
10 under the Housing Assistance Act of 1937 (42 U.S.C. 1437o).

11 (f) The authority may contract with the division of family ~~and~~
12 ~~children resources~~ and the department of commerce so that the
13 authority may administer the program and funds described under
14 subsection (e) for program years before 1991.

15 (g) Beginning May 15, 2005, the authority shall identify, promote,
16 assist, and fund home ownership education programs conducted
17 throughout Indiana by nonprofit counseling agencies certified by the
18 authority using funds appropriated under section 27 of this chapter. The
19 attorney general and the entities listed in IC 4-6-12-4(a)(1) through
20 IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing
21 this subsection.

22 SECTION 15. IC 5-20-4-15 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The housing
24 trust fund advisory committee is established.

25 (b) The committee consists of sixteen (16) members to be appointed
26 by the governor as follows:

27 (1) One (1) member of the division of mental health and addiction.

28 (2) One (1) member of the division of family ~~and children~~
29 **resources.**

30 (3) One (1) member of the division of disability, aging, and
31 rehabilitative services.

32 (4) One (1) member of the ~~department of commerce~~ **office of the**
33 **lieutenant governor.**

34 (5) One (1) member to represent residential real estate developers.

35 (6) One (1) member to represent construction trades.

36 (7) One (1) member to represent banks and other lending
37 institutions.

38 (8) One (1) member to represent the interests of persons with

- 1 disabilities.
- 2 (9) One (1) member to represent service providers.
- 3 (10) Two (2) members to represent neighborhood groups.
- 4 (11) One (1) member to represent low income families.
- 5 (12) One (1) member to represent nonprofit community based
- 6 organizations and community development corporations.
- 7 (13) One (1) member to represent real estate brokers or
- 8 salespersons.
- 9 (14) One (1) member to represent the Indiana Apartment Owner's
- 10 Association.
- 11 (15) One (1) member to represent the manufactured housing
- 12 industry.
- 13 At least three (3) members of the committee shall be from a city with
- 14 a population of less than thirty-five thousand (35,000), a town, or a
- 15 rural area.
- 16 (c) Members of the advisory committee shall serve a term of three
- 17 (3) years. However, the governor may remove for cause an appointed
- 18 member of the advisory committee and fill vacancies of appointed
- 19 members on the advisory committee.
- 20 (d) The advisory committee shall make recommendations to the
- 21 housing ~~finance and community development~~ authority regarding:
- 22 (1) the development of policies and procedures under section 14
- 23 of this chapter; and
- 24 (2) long term sources to capitalize the housing trust fund,
- 25 including the following:
- 26 (A) Revenue from development ordinances, fees, or taxes.
- 27 (B) Market based or private revenue.
- 28 (C) Revenue generated from government programs,
- 29 foundations, private individuals, or corporations.
- 30 (e) The advisory committee shall prepare and present an annual
- 31 report that:
- 32 (1) describes disbursements under the housing trust fund; and
- 33 (2) makes recommendations to the board of the Indiana housing
- 34 ~~finance and community development~~ authority regarding long
- 35 term sources to capitalize the housing trust fund.".
- 36 Page 8, between lines 36 and 37, begin a new paragraph and insert:
- 37 "SECTION 17. IC 5-22-17-8 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this

1 section, "division" refers to the division of family ~~and children~~
2 **resources** established by IC 12-13-1-1.

3 (b) As used in this section, "EBT program" refers to an electronic
4 benefits transfer program.

5 (c) Notwithstanding section 3 of this chapter, the division may enter
6 into a contract for supplies and services to implement an EBT program
7 for an initial period not to exceed five (5) years. The division may
8 renew the contract for any number of successive periods not to exceed
9 two (2) years each.

10 SECTION 18. IC 6-1.1-12-12 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as
12 provided in section 17.8 of this chapter, a person who desires to claim
13 the deduction provided in section 11 of this chapter must file an
14 application, on forms prescribed by the department of local government
15 finance, with the auditor of the county in which the real property,
16 mobile home not assessed as real property, or manufactured home not
17 assessed as real property is located. With respect to real property, the
18 application must be filed during the twelve (12) months before May 11
19 of each year for which the individual wishes to obtain the deduction.
20 With respect to a mobile home that is not assessed as real property or
21 a manufactured home that is not assessed as real property, the
22 application must be filed during the twelve (12) months before March
23 2 of each year for which the individual wishes to obtain the deduction.
24 The application may be filed in person or by mail. If mailed, the
25 mailing must be postmarked on or before the last day for filing.

26 (b) Proof of blindness may be supported by:

27 (1) the records of a county office of family and children, the
28 division of family ~~and children~~, **resources**, or the division of
29 disability, aging, and rehabilitative services; or

30 (2) the written statement of a physician who is licensed by this
31 state and skilled in the diseases of the eye or of a licensed
32 optometrist.

33 (c) The application required by this section must contain the record
34 number and page where the contract or memorandum of the contract is
35 recorded if the individual is buying the real property, mobile home, or
36 manufactured home on a contract that provides that he is to pay
37 property taxes on the real property, mobile home, or manufactured
38 home.

1 SECTION 19. IC 6-3.1-21-9 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The division of
 3 family ~~and children~~ **resources** shall apply the refundable portion of the
 4 credits provided under this chapter as expenditures toward Indiana's
 5 maintenance of effort under the federal Temporary Assistance to Needy
 6 Families (TANF) program (45 CFR 265).

7 (b) The department of state revenue shall collect and provide the
 8 data requested by the division of family ~~and children~~ **resources** that is
 9 necessary to comply with this section.

10 SECTION 20. IC 6-4.1-12-12 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The department,
 12 the department's counsel, agents, clerks, stenographers, other
 13 employees, or former employees, or any other person who gains access
 14 to the inheritance tax files shall not divulge any information disclosed
 15 by the documents required to be filed under this article. However,
 16 disclosure may be made in the following cases:

- 17 (1) To comply with an order of a court.
- 18 (2) To the members and employees of the department.
- 19 (3) To the members and employees of county offices and courts
 20 to the extent they need the information for inheritance tax
 21 purposes. IC 5-14-3-6.5 does not apply to this subdivision.
- 22 (4) To the governor.
- 23 (5) To the attorney general.
- 24 (6) To any other legal representative of the state in any action
 25 pertaining to the tax due under this article.
- 26 (7) To any authorized officer of the United States, when the
 27 recipient agrees that the information is confidential and will be
 28 used solely for official purposes.
- 29 (8) Upon the receipt of a certified request, to any designated
 30 officer of a tax department of any other state, district, territory, or
 31 possession of the United States, when the state, district, territory,
 32 or possession permits the exchange of like information with the
 33 taxing officials of Indiana and when the recipient agrees that the
 34 information is confidential and will be used solely for tax
 35 collection purposes.
- 36 (9) Upon receipt of a written request, to the director of the
 37 **department of child services or to the director of the** division
 38 of family ~~and children~~ **resources** and to any county director of

1 family and children, when the recipient agrees that the information
 2 is confidential and will be used only in connection with their
 3 official duties.

4 (10) To the attorney listed on the inheritance tax return under
 5 IC 6-4.1-4-1 or IC 6-4.1-4-7.

6 (11) To a devisee, an heir, a successor in interest, or a surviving
 7 joint tenant of the decedent for whom an inheritance tax return
 8 was filed or, upon the receipt of a written request, to an agent or
 9 attorney of a devisee, an heir, a successor in interest, or a
 10 surviving joint tenant of the decedent.

11 (b) Any person who knowingly violates this section:

12 (1) commits a Class C misdemeanor; and

13 (2) shall be immediately dismissed from the person's office or
 14 employment, if the person is an officer or employee of the state.

15 SECTION 21. IC 6-8.1-7-1 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This subsection
 17 does not apply to the disclosure of information concerning a conviction
 18 on a tax evasion charge. Unless in accordance with a judicial order or
 19 as otherwise provided in this chapter, the department, its employees,
 20 former employees, counsel, agents, or any other person may not divulge
 21 the amount of tax paid by any taxpayer, terms of a settlement
 22 agreement executed between a taxpayer and the department,
 23 investigation records, investigation reports, or any other information
 24 disclosed by the reports filed under the provisions of the law relating to
 25 any of the listed taxes, including required information derived from a
 26 federal return, except to:

27 (1) members and employees of the department;

28 (2) the governor;

29 (3) the attorney general or any other legal representative of the
 30 state in any action in respect to the amount of tax due under the
 31 provisions of the law relating to any of the listed taxes; or

32 (4) any authorized officers of the United States;

33 when it is agreed that the information is to be confidential and to be
 34 used solely for official purposes.

35 (b) The information described in subsection (a) may be revealed
 36 upon the receipt of a certified request of any designated officer of the
 37 state tax department of any other state, district, territory, or possession
 38 of the United States when:

1 (1) the state, district, territory, or possession permits the exchange
2 of like information with the taxing officials of the state; and

3 (2) it is agreed that the information is to be confidential and to be
4 used solely for tax collection purposes.

5 (c) The information described in subsection (a) relating to a person
6 on public welfare or a person who has made application for public
7 welfare may be revealed to the director of the division of family ~~and~~
8 ~~children, resources,~~ and to any county director of family and children
9 located in Indiana, upon receipt of a written request from either director
10 for the information. The information shall be treated as confidential by
11 the directors. In addition, the information described in subsection (a)
12 relating to a person who has been designated as an absent parent by the
13 state Title IV-D agency shall be made available to the state Title IV-D
14 agency upon request. The information shall be subject to the
15 information safeguarding provisions of the state and federal Title IV-D
16 programs.

17 (d) The name, address, Social Security number, and place of
18 employment relating to any individual who is delinquent in paying
19 educational loans owed to an institution of higher education may be
20 revealed to that institution if it provides proof to the department that the
21 individual is delinquent in paying for educational loans. This
22 information shall be provided free of charge to approved institutions of
23 higher learning (as defined by IC 20-12-21-3(2)). The department shall
24 establish fees that all other institutions must pay to the department to
25 obtain information under this subsection. However, these fees may not
26 exceed the department's administrative costs in providing the
27 information to the institution.

28 (e) The information described in subsection (a) relating to reports
29 submitted under IC 6-6-1.1-502 concerning the number of gallons of
30 gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of
31 gallons of special fuel sold by a supplier and the number of gallons of
32 special fuel exported by a licensed exporter or imported by a licensed
33 transporter may be released by the commissioner upon receipt of a
34 written request for the information.

35 (f) The information described in subsection (a) may be revealed
36 upon the receipt of a written request from the administrative head of a
37 state agency of Indiana when:

38 (1) the state agency shows an official need for the information;

1 and

2 (2) the administrative head of the state agency agrees that any
3 information released will be kept confidential and will be used
4 solely for official purposes.

5 (g) The name and address of retail merchants, including township,
6 as specified in IC 6-2.5-8-1(h) may be released solely for tax collection
7 purposes to township assessors.

8 (h) The department shall notify the appropriate innkeepers' tax
9 board, bureau, or commission that a taxpayer is delinquent in remitting
10 innkeepers' taxes under IC 6-9.

11 (i) All information relating to the delinquency or evasion of the
12 motor vehicle excise tax may be disclosed to the bureau of motor
13 vehicles in Indiana and may be disclosed to another state, if the
14 information is disclosed for the purpose of the enforcement and
15 collection of the taxes imposed by IC 6-6-5.

16 (j) All information relating to the delinquency or evasion of
17 commercial vehicle excise taxes payable to the bureau of motor
18 vehicles in Indiana may be disclosed to the bureau and may be
19 disclosed to another state, if the information is disclosed for the purpose
20 of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

21 (k) All information relating to the delinquency or evasion of
22 commercial vehicle excise taxes payable under the International
23 Registration Plan may be disclosed to another state, if the information
24 is disclosed for the purpose of the enforcement and collection of the
25 taxes imposed by IC 6-6-5.5.

26 (l) This section does not apply to:

- 27 (1) the beer excise tax (IC 7.1-4-2);
28 (2) the liquor excise tax (IC 7.1-4-3);
29 (3) the wine excise tax (IC 7.1-4-4);
30 (4) the hard cider excise tax (IC 7.1-4-4.5);
31 (5) the malt excise tax (IC 7.1-4-5);
32 (6) the motor vehicle excise tax (IC 6-6-5);
33 (7) the commercial vehicle excise tax (IC 6-6-5.5); and
34 (8) the fees under IC 13-23.

35 (m) The name and business address of retail merchants within each
36 county that sell tobacco products may be released to the division of
37 mental health and addiction and the alcohol and tobacco commission
38 solely for the purpose of the list prepared under IC 6-2.5-6-14.

SECTION 22. IC 6-8.1-9.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Notwithstanding IC 6-8.1-7 or any other provision of law prohibiting disclosure of a taxpayer's records or information, all information exchanged among the department, the claimant agency, and the debtor necessary to accomplish the purpose of this chapter is lawful.

(b) Whenever the child support bureau of the ~~division of family and children~~ **department of child services** seeks to enforce a child support obligation through a setoff against a debtor's tax refund, the department shall make the following information available to that agency and to any other state's Title IV-D agency that is enforcing the child support order against the debtor:

(1) The debtor's Social Security account number (or numbers, if the debtor has more than one (1) number).

(2) The debtor's home address.

SECTION 23. IC 8-23-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. As used in this chapter, "gross monthly income" means the average of such income during the twelve (12) month period immediately preceding displacement and includes income from all sources whether or not such income is taxable under any state or federal law, and also includes any public assistance received under the following:

AFDC assistance.

AFDC burials.

AFDC IMPACT/J.O.B.S.

AFDC-UP assistance.

ARCH.

Blind relief.

Child care.

Child welfare adoption assistance.

Child welfare adoption opportunities.

Child welfare assistance.

Child welfare child care improvement.

Child welfare child abuse.

Child welfare child abuse and neglect prevention.

Child welfare children's victim advocacy program.

Child welfare foster care assistance.

Child welfare independent living.

- 1 Child welfare medical assistance to wards.
- 2 Child welfare program review action group (PRAG).
- 3 Child welfare special needs adoption.
- 4 Food Stamp administration.
- 5 Health care for indigent (HIC).
- 6 ICES.
- 7 IMPACT (food stamps).
- 8 Title IV-D (ICETS).
- 9 Title IV-D child support administration.
- 10 Title IV-D child support enforcement (parent locator).
- 11 Medicaid assistance.
- 12 Medical services for inmates and patients (590).
- 13 Room and board assistance (RBA).
- 14 Refugee social service.
- 15 Refugee resettlement.
- 16 Repatriated citizens.
- 17 SSI burials and disabled examinations.
- 18 Title XIX certification.
- 19 Any other law of this state administered by the division of family
- 20 ~~and children~~ **resources or the department of child services.**
- 21 SECTION 24. IC 8-23-17-32 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) All amounts
- 23 paid to displaced persons under this chapter are exempt from taxation
- 24 under IC 6-3.
- 25 (b) A payment received under this chapter is not considered as
- 26 income for the purpose of determining the eligibility or extent of
- 27 eligibility of any person for public assistance under the following:
- 28 AFDC assistance.
- 29 AFDC burials.
- 30 AFDC IMPACT/J.O.B.S.
- 31 AFDC-UP assistance.
- 32 ARCH.
- 33 Blind relief.
- 34 Child care.
- 35 Child welfare adoption assistance.
- 36 Child welfare adoption opportunities.
- 37 Child welfare assistance.
- 38 Child welfare child care improvement.

- 1 Child welfare child abuse.
- 2 Child welfare child abuse and neglect prevention.
- 3 Child welfare children's victim advocacy program.
- 4 Child welfare foster care assistance.
- 5 Child welfare independent living.
- 6 Child welfare medical assistance to wards.
- 7 Child welfare program review action group (PRAG).
- 8 Child welfare special needs adoption.
- 9 Food Stamp administration.
- 10 Health care for indigent (HIC).
- 11 ICES.
- 12 IMPACT (food stamps).
- 13 Title IV-D (ICETS).
- 14 Title IV-D child support administration.
- 15 Title IV-D child support enforcement (parent locator).
- 16 Medicaid assistance.
- 17 Medical services for inmates and patients (590).
- 18 Room and board assistance (RBA).
- 19 Refugee social service.
- 20 Refugee resettlement.
- 21 Repatriated citizens.
- 22 SSI burials and disabled examinations.
- 23 Title XIX certification.
- 24 Any other Indiana law administered by the division of family and
- 25 ~~children.~~ **resources or the department of child services."**
- 26 Page 13, between lines 24 and 25, begin a new paragraph and insert:
- 27 "SECTION 31. IC 10-13-3-30 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as
- 29 provided in subsection (c), on request for release or inspection of a
- 30 limited criminal history, law enforcement agencies may, if the agency
- 31 has complied with the reporting requirements in section 24 of this
- 32 chapter, and the department shall do the following:
- 33 (1) Require a form, provided by law enforcement agencies and the
- 34 department, to be completed. The form shall be maintained for
- 35 two (2) years and shall be available to the record subject upon
- 36 request.
- 37 (2) Collect a three dollar (\$3) fee to defray the cost of processing
- 38 a request for inspection.

(3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the ~~division of family and children~~; **department of child services**.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the sex and violent offender directory under IC 5-2-6 or concerns a person required to register as a sex and violent offender under IC 5-2-12."

Page 14, line 9, strike "a county office of family and children" and insert "**the division of family resources**".

Page 14, between lines 39 and 40, begin a new paragraph and insert: "SECTION 33. IC 11-13-1-8, AS AMENDED BY P.L.1-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records; and

(4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the ~~division of family and children~~ **department of child services** and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) in coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with

1 training provided to child welfare caseworkers relating to the same
2 subject matter.

3 (g) The conference shall, in cooperation with the division of mental
4 health and addiction (IC 12-21) and the division of disability, aging,
5 and rehabilitative services (IC 12-9-1), provide probation departments
6 with training and technical assistance concerning mental illness,
7 addictive disorders, mental retardation, and developmental disabilities.

8 (h) The conference shall make recommendations to courts and
9 probation departments concerning:

10 (1) selection, training, distribution, and removal of probation
11 officers;

12 (2) methods and procedure for the administration of probation,
13 including investigation, supervision, workloads, record keeping,
14 and reporting; and

15 (3) use of citizen volunteers and public and private agencies.

16 (i) The conference may delegate any of the functions described in
17 this section to the advisory committee or the Indiana judicial center."

18 Page 18, between lines 32 and 33, begin a new paragraph and insert:

19 "SECTION 44. IC 12-7-2-46 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. "County director"
21 refers to a director of a county office or a director of a district office of
22 the division of family ~~and children~~ **resources or the department of**
23 **child services**."

24 Page 25, between lines 39 and 40, begin a new paragraph and insert:

25 "SECTION 63. IC 12-7-2-191 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 191. "Title IV-A
27 Agency", for purposes of IC 12-17, refers to the division of family ~~and~~
28 ~~children~~ **resources**."

29 Page 26, between lines 14 and 15, begin a new paragraph and insert:

30 "SECTION 65. IC 12-8-1-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The secretary and
32 the commissioner of the state department of health shall cooperate to
33 coordinate family and social services programs with related programs
34 administered by the state department of health.

35 (b) The secretary, in cooperation with the commissioner of the state
36 department of health, is accountable for the following:

37 (1) Resolving administrative, jurisdictional, or policy conflicts
38 between a division and the state department of health.

- 1 (2) Formulating overall policy for family, health, and social
- 2 services in Indiana.
- 3 (3) Coordinating activities between the programs of the division
- 4 of family ~~and children resources~~ and the maternal and child
- 5 health programs of the state department of health.
- 6 (4) Coordinating activities concerning long term care between the
- 7 division of disability, aging, and rehabilitative services and the
- 8 state department of health.
- 9 (5) Developing and implementing a statewide family, health, and
- 10 social services plan that includes a set of goals and priorities.

11 SECTION 66. IC 12-8-2-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Unless otherwise
 13 provided by a statute, this chapter applies to the following:

- 14 (1) The family and social services committee established by
- 15 IC 12-8-3-2.
- 16 (2) The following advisory councils:
- 17 (A) The division of disability, aging, and rehabilitative services
- 18 advisory council.
- 19 (B) The division of family ~~and children resources~~ advisory
- 20 council.
- 21 (C) The division of mental health and addiction advisory
- 22 council.
- 23 (3) A body:
- 24 (A) established by statute for a division; and
- 25 (B) whose enabling statute makes this chapter applicable to the
- 26 body.

27 SECTION 67. IC 12-8-6-9 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The office, ~~and~~ the
 29 division of family ~~and children resources~~, **and the department of**
 30 **child services** shall develop a written memorandum of understanding
 31 that provides the following:

- 32 (1) Program responsibilities for the provision of care and
- 33 treatment for recipients served by the division.
- 34 (2) Responsibilities to educate and inform vendors of the proper
- 35 billing procedures.
- 36 (3) Responsibilities in administering the state plan.
- 37 (4) Responsibilities for Medicaid fiscal and quality accountability
- 38 and audits for services administered by the division.

- 1 (5) That the division shall recommend options and services to be
- 2 reimbursed under the Medicaid state plan.
- 3 (6) That the office and the division agree that, within the limits of
- 4 42 U.S.C. 1396 et seq., recipients served by the division cannot be
- 5 excluded from services on the basis of diagnosis unless these
- 6 services are otherwise provided and reimbursed under the state
- 7 plan.
- 8 (7) That the office shall seek review and comment from the
- 9 division before the adoption of rules or standards that may affect
- 10 the service, programs, or providers of medical assistance services
- 11 for recipients served by the division.
- 12 (8) That the division shall develop rate setting policies for medical
- 13 assistance services administered by the division.
- 14 (9) Policies to facilitate communication between the office and the
- 15 division.
- 16 (10) Any additional provisions that enhance communication
- 17 between the office and the division or facilitate more efficient or
- 18 effective delivery of services.

19 SECTION 68. IC 12-8-10-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies
 21 only to the indicated money of the following state agencies to the extent
 22 that the money is used by the agency to obtain services from grantee
 23 agencies to carry out the program functions of the agency:

- 24 (1) Money appropriated or allocated to a state agency from money
- 25 received by the state under the Social Services Block Grant Act
- 26 (42 U.S.C. 1397 et seq.).
- 27 (2) The division of disability, aging, and rehabilitative services,
- 28 except this chapter does not apply to money expended under the
- 29 following:
 - 30 (A) The following statutes, unless application of this chapter
 - 31 is required by another subdivision of this section:
 - 32 (i) IC 12-10-6.
 - 33 (ii) IC 12-10-12.
 - 34 (B) Epilepsy services.
- 35 (3) The division of family ~~and children~~, **resources**, for money
- 36 expended under the following:
 - 37 (A) The following statutes:
 - 38 (i) IC 12-14-10.

- 1 (ii) IC 12-14-11.
- 2 (iii) IC 12-14-12.
- 3 (B) The following programs:
 - 4 (i) The child development associate scholarship program.
 - 5 (ii) The dependent care program.
 - 6 (iii) Migrant day care.
 - 7 (iv) The youth services bureau.
 - 8 (v) The project safe program.
 - 9 (vi) The commodities program.
 - 10 (vii) The migrant nutrition program.
 - 11 (viii) Any emergency shelter program.
 - 12 (ix) The energy weatherization program.
 - 13 (x) Programs for individuals with developmental disabilities.
- 14 (4) The state department of health, for money expended under the
- 15 following statutes:
 - 16 (A) IC 16-19-10.
 - 17 (B) IC 16-38-3.
- 18 (5) The group.
- 19 (6) All state agencies, for any other money expended for the
- 20 purchase of services if all the following apply:
 - 21 (A) The purchases are made under a contract between the state
 - 22 agency and the office of the secretary.
 - 23 (B) The contract includes a requirement that the office of the
 - 24 secretary perform the duties and exercise the powers described
 - 25 in this chapter.
 - 26 (C) The contract is approved by the budget agency.
- 27 (7) The division of mental health and addiction.
- 28 SECTION 69. IC 12-8-14-5 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Services to support
- 30 families of persons with disabilities and persons with disabilities may
- 31 include services available within the division of family ~~and children;~~
- 32 **resources**, the division of disability, aging, and rehabilitative services,
- 33 the division of mental health and addiction, the state department of
- 34 health, the department of education, the department of workforce
- 35 development, and the department of correction, including case
- 36 management and service coordination.
- 37 SECTION 70. IC 12-10-11-2, AS AMENDED BY P.L.137-2005,
- 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

- 1 JULY 1, 2006]: Sec. 2. (a) The board consists of the following fifteen
 2 (15) members:
- 3 (1) The director of the division of family ~~and children~~ **resources**
 4 or the director's designee.
 - 5 (2) The chairman of the Indiana state commission on aging or the
 6 chairman's designee.
 - 7 (3) Three (3) citizens at least sixty (60) years of age, nominated
 8 by two (2) or more organizations that:
 - 9 (A) represent senior citizens; and
 - 10 (B) have statewide membership.
 - 11 (4) One (1) citizen less than sixty (60) years of age nominated by
 12 one (1) or more organizations that:
 - 13 (A) represent individuals with disabilities; and
 - 14 (B) have statewide membership.
 - 15 (5) One (1) citizen less than sixty (60) years of age nominated by
 16 one (1) or more organizations that:
 - 17 (A) represent individuals with mental illness; and
 - 18 (B) have statewide membership.
 - 19 (6) One (1) provider who provides services under IC 12-10-10.
 - 20 (7) One (1) licensed physician, nurse, or nurse practitioner who
 21 specializes either in the field of gerontology or in the field of
 22 disabilities.
 - 23 (8) Two (2) home care services advocates or policy specialists
 24 nominated by two (2) or more:
 - 25 (A) organizations;
 - 26 (B) associations; or
 - 27 (C) nongovernmental agencies;
 28 that advocate on behalf of home care consumers, including an
 29 organization listed in subdivision (3) that represents senior
 30 citizens or persons with disabilities.
 - 31 (9) Two (2) members of the senate, who may not be members of
 32 the same political party, appointed by the president pro tempore
 33 of the senate with the advice of the minority leader of the senate.
 - 34 (10) Two (2) members of the house of representatives, who may
 35 not be members of the same political party, appointed by the
 36 speaker of the house of representatives with the advice of the
 37 minority leader of the house of representatives.
 - 38 The members of the board listed in subdivisions (9) and (10) are

1 nonvoting members.

2 (b) The members of the board designated by subsection (a)(3)
3 through (a)(8) shall be appointed by the governor for terms of two (2)
4 years. In case of a vacancy, the governor shall appoint an individual to
5 serve for the remainder of the unexpired term.

6 (c) The division shall establish notice and selection procedures to
7 notify the public of the board's nomination process described in this
8 chapter. Information must be distributed through:

- 9 (1) the area agencies on aging; and
- 10 (2) all organizations, associations, and nongovernmental agencies
11 that work with the division on home care issues and programs.".

12 Page 27, between lines 5 and 6, begin a new paragraph and insert:

13 "SECTION 72. IC 12-11-7-6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The comprehensive
15 plan required by section 5(3) of this chapter must include an
16 interagency cooperation agreement among the following:

- 17 (1) The department of education.
- 18 (2) The division of mental health and addiction.
- 19 (3) The division of family ~~and children~~ **resources**.
- 20 (4) The division.
- 21 (5) **The department of child services.**
- 22 (6) Any other appropriate agencies.

23 SECTION 73. IC 12-11-7-7 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The following shall
25 cooperate with the commission and each other in developing and
26 updating the comprehensive plan required by section 5(3) of this
27 chapter and in developing and complying with the interagency
28 cooperation agreement required by section 6 of this chapter:

- 29 (1) The department of education.
- 30 (2) The division of mental health and addiction.
- 31 (3) The division of family ~~and children~~ **resources**.
- 32 (4) The division.
- 33 (5) **The department of child services.**
- 34 (6) Any other appropriate agencies.

35 SECTION 74. IC 12-13-4-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this
37 chapter, "council" refers to the division of family ~~and children~~
38 **resources** advisory council established by this chapter.

1 SECTION 75. IC 12-13-4-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division of
 3 family ~~and children~~ **resources** advisory council is established."

4 Page 28, between lines 26 and 27, begin a new paragraph and insert:
 5 "SECTION 77. IC 12-13-12-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commission
 7 consists of nineteen (19) members appointed as follows:

- 8 (1) Two (2) members of the senate, who are not members of the
 9 same political party, appointed by the president pro tempore of the
 10 senate with the advice of the minority leader of the senate.
- 11 (2) Two (2) members of the house of representatives, who are not
 12 members of the same political party, appointed by the speaker of
 13 the house of representatives with the advice of the minority leader
 14 of the house of representatives.
- 15 (3) The director of the division of family ~~and children~~ **resources**
 16 or the director's designee.
- 17 (4) The director of the division of mental health and addiction or
 18 the director's designee.
- 19 (5) The commissioner of the state department of health or the
 20 commissioner's designee.
- 21 (6) The superintendent of public instruction or the
 22 superintendent's designee.
- 23 (7) The commissioner of the department of correction or the
 24 commissioner's designee.
- 25 (8) The director of the civil rights commission or the director's
 26 designee.
- 27 (9) The commissioner of the department of administration or the
 28 commissioner's designee.
- 29 (10) The director of the department of commerce or the director's
 30 designee.
- 31 (11) A minority business person, appointed by the governor.
- 32 (12) Three (3) persons appointed by the president pro tempore of
 33 the senate who are not members of the general assembly. Not
 34 more than two (2) of the persons appointed under this subdivision
 35 may be members of the same political party.
- 36 (13) Three (3) persons appointed by the speaker of the house of
 37 representatives who are not members of the general assembly. Not
 38 more than two (2) of the persons appointed under this subdivision

1 may be members of the same political party.

2 SECTION 78. IC 12-13-12-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The division of
4 family ~~and children~~ **resources** shall provide staff and administrative
5 support to the commission.

6 SECTION 79. IC 12-13-13-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~division of~~
8 family ~~and children~~ **department of child services** shall prepare a report
9 in an electronic format under IC 5-14-6 for the general assembly
10 regarding the ~~division's~~ **department's** management of child abuse and
11 neglect cases."

12 Page 29, between lines 7 and 8, begin a new paragraph and insert:
13 "SECTION 81. IC 12-14-10-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The bureau of family
15 resources is established within the division of family ~~and children~~
16 **resources**.

17 SECTION 82. IC 12-14-25-9 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The codirectors
19 of the election division shall notify the division of family ~~and children~~
20 **resources and the department of child services** of the following:

21 (1) The scheduled date of each primary, general, municipal, and
22 special election.

23 (2) The jurisdiction in which the election will be held.

24 SECTION 83. IC 12-15-1-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A county office shall
26 serve as an agent of the division of family ~~and children~~ **resources**.

27 SECTION 84. IC 12-15-1-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division of
29 family ~~and children~~ **resources** shall supervise the county offices
30 **regarding services provided under this chapter**.

31 SECTION 85. IC 12-15-1-4 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The office and
33 the division of family ~~and children~~ **resources** shall formulate written
34 protocols that specify the following:

35 (1) That the county offices are responsible for all eligibility
36 determinations made under the state Medicaid program.

37 (2) That the office is responsible for payment of a claim made
38 under the state Medicaid plan.

1 (b) The office may enter into any contract to implement the state
2 program.

3 SECTION 86. IC 12-15-1.5-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The codirectors
5 of the election division shall provide the division of family ~~and children~~
6 **resources and the department of child services** with a list of the
7 current addresses and telephone numbers of the offices of the circuit
8 court clerk or board of registration in each county. The division shall
9 promptly forward the list and each revision of the list to each county
10 office.

11 (b) The codirectors shall provide the division of family ~~and children~~
12 **resources and the department of child services** with pre-addressed
13 packets for county offices to transmit applications under section 6(1) or
14 6(2) of this chapter.

15 SECTION 87. IC 12-15-2-16 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. An individual:

- 17 (1) who is less than eighteen (18) years of age;
 - 18 (2) who is described in 42 U.S.C. 1396a(a)(10)(A)(ii); and
 - 19 (3) who is:
 - 20 (A) a child in need of services (as defined in IC 31-34-1);
 - 21 (B) a child placed in the custody of the ~~division of family and~~
22 **children department of child services** or a county office
23 under IC 31-35-6-1 (or IC 31-6-5-5 before its repeal); or
 - 24 (C) a child placed under the supervision or in the custody of
25 the ~~division of family and children~~ **department of child**
26 **services** or a county office by an order of the court;
- 27 is eligible to receive Medicaid.

28 SECTION 88. IC 12-15-9-0.6 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. (a) The office's
30 claim against assets that are not included in the individual's probate
31 estate may be enforced as set out in IC 32-17-13.

32 (b) Enforcement of a claim against assets that are not included in an
33 individual's probate estate must be commenced not more than nine (9)
34 months after the decedent's death. This limit does not apply to any
35 assets that were not reported to the local office of the division of family
36 ~~and children~~ **resources**.

37 SECTION 89. IC 12-17-12-1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this

1 chapter, "applicant" means either:
 2 (1) a school corporation; or
 3 (2) a nonprofit organization that:
 4 (A) is exempt from federal income taxation under Section
 5 501(c)(3) of the Internal Revenue Code; and
 6 (B) has provided extracurricular activities or services to
 7 children continuously for at least one (1) year before the date
 8 of application for a grant under this chapter;
 9 that applies to the division of family ~~and children~~ **resources** for a grant
 10 from the school age child care fund for the purpose of establishing and
 11 operating a school age child care program or for the purpose of
 12 maintaining an existing school age child care program."

13 Page 29, between lines 29 and 30, begin a new paragraph and insert:

14 "SECTION 91. IC 12-17-15-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this
 16 chapter, "agency" means a department, a commission, a council, a
 17 board, a bureau, a division, a service, an office, or an administration
 18 that is responsible for providing services to infants and toddlers with
 19 disabilities and their families, including the following:

- 20 (1) The division of mental health and addiction.
- 21 (2) The state department of health.
- 22 (3) The division of family ~~and children~~ **resources**.
- 23 (4) The division of disability, aging, and rehabilitative services.
- 24 (5) The department of education.

25 SECTION 92. IC 12-17.2-2-1.5, AS AMENDED BY P.L.1-2005,
 26 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) The division shall require
 28 all child care centers or child care homes to submit a report containing
 29 the names and birth dates of all children who are enrolled in the child
 30 care center or child care home within three (3) months from the date the
 31 child care center or child care home accepts its first child, upon
 32 receiving the consent of the child's parent, guardian, or custodian as
 33 required under subsection (b). The division shall require all child care
 34 centers and child care homes that receive written consent as described
 35 under subsection (b) to submit a monthly report of the name and birth
 36 date of each additional child who has been enrolled in or withdrawn
 37 from the child care center or child care home during the preceding
 38 thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day care center or home) to report the name and birth date of my child or children to the division of family ~~and children~~ **resources** pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian _____

Date _____"

(c) The division shall submit a monthly report of the information provided under subsection (a) to the Indiana clearinghouse on missing children established under IC 10-13-5.

(d) The division shall require that a person who transports children who are in the care of the child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers must comply with the same requirements set forth in IC 20-27-9-12 for a public elementary or secondary school or a preschool operated by a school corporation."

Page 30, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 94. IC 12-17.2-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The division may grant a variance or waiver of a rule governing child care centers, **or** child care homes. ~~child caring institutions; foster homes; group homes; or child placing agencies.~~ A variance or waiver granted under this section must promote statewide practices and must protect the rights of persons affected by this article.

(b) The division may grant a variance to a rule if an applicant for a license or a licensee under this chapter does the following:

(1) Submits to the division a written request for the variance in the

1 form and manner specified by the division.

2 (2) Documents that compliance with an alternative method of
3 compliance approved by the division will not be adverse to the
4 health, safety, or welfare of a child receiving services from the
5 applicant for the variance, as determined by the division.

6 (c) A variance granted under subsection (b) must be conditioned
7 upon compliance with the alternative method approved by the division.
8 Noncompliance constitutes the violation of a rule of the division and
9 may be the basis for revoking the variance.

10 (d) The division may grant a waiver of a rule if an applicant for a
11 license or a licensee under this chapter does the following:

12 (1) Submits to the division a written request for the waiver in the
13 form and manner specified by the division.

14 (2) Documents that compliance with the rule specified in the
15 application for the waiver will create an undue hardship on the
16 applicant for the waiver, as determined by the division.

17 (3) Documents that the applicant for the waiver will be in
18 substantial compliance with the rules adopted by the division after
19 the waiver is granted, as determined by the division.

20 (4) Documents that noncompliance with the rule specified in the
21 application for a waiver will not be adverse to the health, safety,
22 or welfare of a child receiving services from the applicant for the
23 waiver, as determined by the division.

24 (e) Except for a variance or waiver of a rule governing child care
25 homes, ~~or foster homes~~, a variance or waiver of a rule under this section
26 that conflicts with a building rule or fire safety rule adopted by the fire
27 prevention and building safety commission is not effective until the
28 variance or waiver is approved by the fire prevention and building
29 safety commission.

30 SECTION 95. IC 12-17.2-3.2-2, AS ADDED BY P.L.107-2005,
31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2006]: Sec. 2. (a) The committee on child care is established.

33 (b) The committee consists of the following voting members:

34 (1) Two (2) members of the house of representatives appointed by
35 the speaker of the house of representatives. Members appointed
36 under this subdivision may not be members of the same political
37 party.

38 (2) Two (2) members of the senate appointed by the president pro

- 1 tempore of the senate. Members appointed under this subdivision
 2 may not be members of the same political party.
- 3 (3) The director of the division of family ~~and children~~ **resources**
 4 or the director's designee.
- 5 (4) The commissioner of the department of workforce
 6 development or the commissioner's designee.
- 7 (5) One (1) individual who holds a degree in the study of early
 8 childhood development.
- 9 (6) One (1) administrator of an elementary school.
- 10 (7) One (1) individual who operates or administers a Head Start
 11 program.
- 12 (8) One (1) individual who operates or administers a child care
 13 center.
- 14 (9) One (1) individual who operates or administers a class I child
 15 care home.
- 16 (10) One (1) individual who operates or administers a class II
 17 child care home.
- 18 (11) One (1) individual who operates or administers a child care
 19 ministry.
- 20 (12) One (1) individual who operates or administers an after
 21 school care program.
- 22 (13) One (1) individual who operates or administers child care in
 23 an employer offered setting.
- 24 (14) One (1) individual who is a consumer of child care and who
 25 does not operate or administer a child care program.
- 26 (15) The state fire marshal or the state fire marshal's designee.
- 27 (c) The president pro tempore of the senate shall appoint the
 28 members listed in ~~subsections~~ **subsection** (b)(5), (b)(8), (b)(9), (b)(12),
 29 and (b)(14). In making the appointments, the president pro tempore of
 30 the senate shall attempt to appoint individuals that represent both rural
 31 and urban areas. The president pro tempore of the senate shall appoint
 32 a member described in subsection (b)(2) as chairperson of the
 33 committee in 2006.
- 34 (d) The speaker of the house of representatives shall appoint the
 35 members listed in subsections (b)(6), (b)(7), (b)(10), (b)(11), and
 36 (b)(13). In making the appointments, the speaker of the house of
 37 representatives shall attempt to appoint individuals that represent both
 38 rural and urban areas. The speaker of the house of representatives shall

1 appoint a member described in subsection (b)(1) as chairperson of the
2 committee in 2005.

3 SECTION 96. IC 12-17.2-4-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A license may be
5 issued only if a child care center is in compliance with food, health,
6 safety, and sanitation standards as determined by the division under
7 rules adopted by the division under IC 12-17.2-2-4 or in accordance
8 with a variance or waiver approved by the division under
9 IC 12-17.2-2-10.

10 (b) A license may be issued only if the child care center is in
11 substantial compliance with the fire and life safety rules as determined
12 by the state fire marshal under rules adopted by the division under
13 IC 12-17.2-2-4 or in accordance with a variance or waiver approved by
14 the division under IC 12-17.2-2-10.

15 (c) The division may issue a waiver or variance regarding a
16 determination by the division or the state fire marshal under subsections
17 (a) and (b).

18 (d) At least one (1) adult individual who maintains annual
19 certification in a course of cardiopulmonary resuscitation applicable to
20 all age groups of children cared for by the child care center shall be
21 present at all times when a child is in the care of a child care center.

22 (e) An individual who:

23 (1) is employed; or

24 (2) volunteers;

25 as a caregiver at a child care center shall maintain current certification
26 in first aid applicable to all age groups of children cared for by the child
27 care center.

28 (f) Upon request, the county office of family and children shall
29 provide, within forty-eight (48) hours, excluding weekends and
30 holidays, copies of substantiated noncompliances and other
31 substantiated complaints filed with the division of family ~~and children~~
32 **resources** concerning a licensed child care center.

33 SECTION 97. IC 12-17.2-4-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant
35 must apply for a child care center license on forms provided by the
36 division.

37 (b) An applicant must submit the required information as part of the
38 application.

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15~~. **IC 10-13-3-39.**

(e) The applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

SECTION 98. IC 12-17.2-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the ~~county department of public welfare~~ **division's** attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the ~~county department of public welfare~~ **division's** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

(A) the child care center is operating without a license required

- 1 under this article; or
- 2 (B) a licensee's noncompliance with this article and the rules
- 3 adopted under this article creates an imminent danger of
- 4 serious bodily injury to a child or an imminent danger to the
- 5 health of a child.
- 6 (3) Seek in a civil action a civil penalty not to exceed one hundred
- 7 dollars (\$100) a day for each day a child care center is operating
- 8 without a license required under this article.
- 9 (c) The division may provide for the removal of children from child
- 10 care centers described in subsection (b).
- 11 (d) An opportunity for an informal meeting with the division shall
- 12 be available after the injunctive relief is ordered.
- 13 (e) The civil penalties collected under this section shall be deposited
- 14 in the child care fund.
- 15 (f) Section 34 of this chapter does not apply to the civil penalties
- 16 imposed under this section.
- 17 SECTION 99. IC 12-17.2-5-3 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant
- 19 must apply for a child care home license on forms provided by the
- 20 division.
- 21 (b) An applicant must submit the required information as part of the
- 22 application.
- 23 (c) An applicant must submit with the application a statement
- 24 attesting that the applicant has not been:
- 25 (1) convicted of:
- 26 (A) a felony;
- 27 (B) a misdemeanor relating to the health or safety of children;
- 28 (C) a misdemeanor for operating a child care center without a
- 29 license under IC 12-17.2-4-35; or
- 30 (D) a misdemeanor for operating a child care home without a
- 31 license under section 35 of this chapter; and
- 32 (2) charged with:
- 33 (A) a felony;
- 34 (B) a misdemeanor relating to the health or safety of children;
- 35 (C) a misdemeanor for operating a child care center without a
- 36 license under IC 12-17.2-4-35; or
- 37 (D) a misdemeanor for operating a child care home without a
- 38 license under section 35 of this chapter;

1 during the pendency of the application.

2 (d) An applicant must submit the necessary information, forms, or
3 consents for the division to:

- 4 (1) conduct a criminal history check on the applicant's spouse; and
5 (2) obtain a national criminal history background check on the
6 applicant through the state police department under ~~IC 5-2-5-15~~.
7 **IC 10-13-3-39.**

8 (e) An applicant must do the following:

- 9 (1) Conduct a criminal history check of the applicant's:
10 (A) employees;
11 (B) volunteers; and
12 (C) household members who are:
13 (i) at least eighteen (18) years of age; or
14 (ii) less than eighteen (18) years of age but have previously
15 been waived from juvenile court to adult court.
16 (2) Maintain records of each criminal history check.

17 SECTION 100. IC 12-17.2-5-6.5, AS AMENDED BY
18 P.L.162-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) To qualify for a license to
20 operate a class II child care home under this chapter, a person must do
21 the following:

- 22 (1) Provide all child care services on the first story of the child
23 care home unless the class II child care home meets the exceptions
24 to the first story requirements contained in the Indiana building
25 code adopted by the fire prevention and building safety
26 commission in effect at the time the class II child care home
27 provider applies for licensure.
28 (2) Provide a smoke detection system that is:
29 (A) hard wired to the building's electrical system; and
30 (B) wired in a manner that activates all of the detector devices
31 in the building when one (1) detector device is activated.
32 (3) Provide a fire extinguisher in each room that is used to provide
33 child care services.
34 (4) Meet:
35 (A) the exit requirements for an E-3 building occupancy
36 classification under the Indiana building code adopted by the
37 fire prevention and building safety commission, except for any
38 illumination requirements, in effect at the time the class II

- 1 child care home provider initially applies for licensure; and
- 2 (B) the illumination requirements established in section
- 3 6.3(b)(2)(D) of this chapter.
- 4 (5) Provide a minimum of thirty-five (35) square feet for each
- 5 child.
- 6 (6) Conduct fire drills required under article 37 of the Indiana fire
- 7 prevention code adopted by the fire prevention and building safety
- 8 commission in effect at the time the class II child care home
- 9 provider applies for licensure.
- 10 (7) Apply for a license before July 1, 1996, or after June 30, 2001.
- 11 (8) Comply with rules adopted by the division of family ~~and~~
- 12 ~~children resources~~ for class II child care homes.
- 13 (9) Complete the training course taught or approved by the
- 14 division concerning safe sleeping practices for a child within the
- 15 person's care as described in IC 12-17.2-2-1(10).
- 16 (b) To qualify for a license to operate a class II child care home
- 17 under this chapter, a person, before applying for the license, must have:
- 18 (1) a class I child care home license; or
- 19 (2) at least one (1) year of experience as a caregiver in a child care
- 20 home or child care center.
- 21 SECTION 101. IC 12-17.2-5-29 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division
- 23 shall investigate a report of an unlicensed child care home and report
- 24 the division's findings to the attorney general and to the ~~county~~
- 25 ~~department of public welfare division's~~ attorney and the prosecuting
- 26 attorney in the county where the child care home is located.
- 27 (b) The attorney general or the county department of public welfare
- 28 attorney may do the following:
- 29 (1) Seek the issuance of a search warrant to assist in the
- 30 investigation.
- 31 (2) File an action for injunctive relief to stop the operation of a
- 32 child care home if there is reasonable cause to believe that:
- 33 (A) the child care home is operating without a license required
- 34 under this article; or
- 35 (B) a licensee's noncompliance with this article and the rules
- 36 adopted under this article creates an imminent danger of
- 37 serious bodily injury to a child or an imminent danger to the
- 38 health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care home is operating without a license required under this article.

(c) The division may provide for the removal of children from child care homes described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the child care fund.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 102. IC 12-17.2-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon the completion of the inspections required under this chapter, a notice signed by the inspectors from the division and the office of the state fire marshal shall be issued to the operator of each child care ministry found to be in compliance. The notice shall be placed in a conspicuous place in the child care ministry, and must be in substantially the following form:

"THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE _____

SIGNATURE _____

DIVISION OF FAMILY AND CHILDREN RESOURCES
THIS UNLICENSED REGISTERED CHILD CARE MINISTRY
has been inspected and complies with state law concerning fire
safety and life safety.

DATE _____

SIGNATURE _____

STATE FIRE
MARSHAL'S OFFICE".

Page 30, line 26, strike "protection".

Page 30, line 26, after "services" insert "(as defined in IC 12-19-7-1)".

Page 30, line 29, delete "IC 31-33" and insert "IC 31-25 through IC 31-40".

Page 32, line 21, after "by" insert "the department or".

Page 32, line 21, after "county" insert "office".

1 Page 32, between lines 28 and 29, begin a new paragraph and insert:

2 "SECTION 105. IC 12-20-3-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A township
4 trustee is not under the jurisdiction of the division of family ~~and~~
5 ~~children~~ **resources**.

6 (b) The division of family ~~and children~~ **resources**:

7 (1) may not subject a township trustee to investigation concerning
8 the trustee's official duties; and

9 (2) has no authority to make a report with reference to the official
10 duties of a township trustee.

11 SECTION 106. IC 12-20-6-3, AS AMENDED BY P.L.73-2005,
12 SECTION 30, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2006]: Sec. 3. Each township trustee shall
14 obtain information about public assistance programs and services
15 administered by the division of family ~~and children~~ **resources** and
16 county offices under this article, the Social Security Administration, the
17 federal Food Stamp program (7 U.S.C. 2011 et seq.), or by another
18 federal or state governmental entity. If a trustee believes a township
19 assistance applicant or a member of the applicant's household may be
20 eligible for a public assistance program, the trustee may not extend aid
21 to the applicant or the applicant's household unless the applicant
22 verifies that:

23 (1) the applicant has filed, within the one hundred eighty (180)
24 days preceding the application for township assistance, an
25 application for assistance under a federal or state public assistance
26 program administered by the division of family ~~and children~~
27 **resources** and county offices or by another federal or state
28 governmental entity;

29 (2) the applicant or a member of the applicant's household is
30 receiving assistance under a public assistance program
31 administered by the division of family ~~and children~~ **resources** and
32 county offices or another federal or state governmental entity; or

33 (3) the applicant or a member of the applicant's household has an
34 emergency need that the trustee determines must be met
35 immediately.

36 SECTION 107. IC 12-20-6-5, AS AMENDED BY P.L.73-2005,
37 SECTION 31, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2006]: Sec. 5. If the township trustee

determines that an applicant or a member of the applicant's household who is granted emergency township assistance under section 3(3) of this chapter may be eligible for public assistance other than township assistance, the applicant shall, not more than fifteen (15) working days after the date that emergency township assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered by the division of family ~~and children resources~~ and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency township assistance was granted may not be granted township assistance for sixty (60) days following the grant of township assistance on an emergency basis.

SECTION 108. IC 12-20-6-5.5, AS AMENDED BY P.L.73-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section does not apply in an emergency.

(b) If, before granting township assistance, the township trustee determines that an applicant or a member of an applicant's household may be eligible for public assistance other than township assistance, the applicant or household member shall, when referred by the township trustee, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

(1) the division of family ~~and children resources~~ and county offices; or

(2) any other federal or state governmental entity.

(c) An applicant or a household member who fails to:

(1) file an application as specified in subsection (b); and

(2) show evidence that the application, as referred by the township trustee, was filed not more than fifteen (15) working days after the township trustee's referral;

may be denied township assistance for not more than sixty (60) days.

SECTION 109. IC 12-20-7-1, AS AMENDED BY P.L.73-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking township assistance must

consent to a disclosure and release of information about the applicant and the applicant's household before township assistance may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

- (1) The applicant's name, case number, and address.
- (2) The types of information being solicited, including the following:
 - (A) Countable income.
 - (B) Countable assets.
 - (C) Wasted resources.
 - (D) Relatives capable of providing assistance.
 - (E) Past or present employment.
 - (F) Pending claims or causes of action.
 - (G) A medical condition if relevant to work or workfare requirements.
 - (H) Any other information required by law.
- (3) The names of individuals, agencies, and township trustee offices that will receive the information.
- (4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.

(c) The township trustee shall keep on file and shall make available to the division of family ~~and children~~ **resources** and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).

(d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).

(e) The division of family ~~and children, resources,~~ county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.

(f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 110. IC 12-20-7-4 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The division of
 2 family ~~and children~~ **resources** and county offices shall use the consent
 3 forms received under this chapter to do the following:

4 (1) Assist in making eligibility determinations for public
 5 assistance programs administered by the division of family ~~and~~
 6 ~~children~~ **resources** and county offices.

7 (2) Assist in reducing fraud and abuse in public assistance
 8 programs administered by the division of family ~~and children~~
 9 **resources** and county offices.

10 SECTION 111. IC 12-20-7-5, AS AMENDED BY P.L.73-2005,
 11 SECTION 42, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2006]: Sec. 5. Information that is received
 13 through the use of a consent form described in section 1 of this chapter
 14 and that is not a public record open to inspection and copying under
 15 any statute may be used only in connection with the following:

16 (1) The administration of the township trustee's township
 17 assistance program.

18 (2) The administration of public assistance programs that are
 19 administered by the division of family ~~and children~~ **resources** and
 20 county offices.

21 SECTION 112. IC 12-20-7-6 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A township trustee,
 23 an assistant of a township trustee, or an employee or a director of the
 24 division of family ~~and children~~, **resources**, the office of Medicaid
 25 policy and planning, and county offices who knowingly discloses or
 26 uses information that is obtained through the use of a consent form
 27 described in section 1 of this chapter, except as authorized by this
 28 chapter, commits a Class A misdemeanor.

29 SECTION 113. IC 12-20-16-9 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A township
 31 trustee may not provide food assistance for more than thirty (30) days
 32 unless an individual files an application with the township trustee that
 33 includes the following:

34 (1) Evidence of application for food stamps from the division of
 35 family ~~and children~~, **resources**.

36 (2) The amount of assistance received or the reason for denial of
 37 assistance.

38 (b) The township trustee shall inform an applicant for food

1 assistance that food stamps may be available from the division of
 2 family ~~and children~~ **resources** and that the township trustee may not
 3 provide food assistance for more than thirty (30) days unless the
 4 individual files an application for food stamps with the division of
 5 family ~~and children~~ **resources**.

6 SECTION 114. IC 12-20-25-8, AS AMENDED BY P.L.73-2005,
 7 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2006]: Sec. 8. Upon receipt of a certification
 9 under section 7 of this chapter, the governor shall appoint a four (4)
 10 member management committee to assume the township trustee's duties
 11 as administrator of township assistance. The committee must consist of
 12 one (1) representative from each of the following:

- 13 (1) The budget agency. This member serves as chairperson.
- 14 (2) The state board of accounts.
- 15 (3) The department.
- 16 (4) The division of family ~~and children~~ **resources**.

17 SECTION 115. IC 12-20-25-29, AS AMENDED BY P.L.73-2005,
 18 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A township assistance
 20 control board is established for each distressed township. The governor
 21 shall appoint the following members to the control board:

- 22 (1) The budget director or the director's designee, who shall serve
 23 as the chairman of the board.
- 24 (2) One (1) representative of the state board of accounts.
- 25 (3) One (1) representative of the department.
- 26 (4) One (1) representative of the division of family ~~and children~~
 27 **resources**.
- 28 (5) One (1) elected public official of the county.
- 29 (6) One (1) township trustee.
- 30 (7) One (1) individual who:
 31 (A) resides in the county or is employed in the county by an
 32 employer paying taxes in the county; and
 33 (B) is or agrees to become familiar with township assistance.
- 34 (8) The township trustee of the distressed township, who shall
 35 serve as a nonvoting ex officio member of the control board.
- 36 (b) The members of the control board serve at the pleasure of the
 37 governor.
- 38 (c) Each member of the board who is not a state employee or an

1 elected official is entitled to the minimum salary per diem provided by
2 IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for
3 traveling expenses and other expenses actually incurred in connection
4 with the member's duties, as provided in the state travel policies and
5 procedures established by the Indiana department of administration and
6 approved by the budget agency.

7 SECTION 116. IC 12-20-28-3, AS AMENDED BY P.L.180-2005,
8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2006]: Sec. 3. (a) The definitions in this section apply to a
10 report that is required to be filed under this section.

11 (b) As used in this section, "case contact" means any act of service
12 in which a township employee has reason to enter a comment or
13 narrative into the record of an application for township assistance under
14 this article regardless of whether the applicant receives or does not
15 receive township assistance funds.

16 (c) As used in this section, "total number of households containing
17 township assistance recipients" means the sum to be determined by
18 counting the total number of individuals who file an application for
19 which assistance is granted. A household may be counted only once
20 during a calendar year regardless of the number of times assistance is
21 provided if the same individual makes the application for assistance.

22 (d) As used in this section, "total number of recipients" means the
23 number of individuals who are members of a household that receives
24 assistance on at least one (1) occasion during the calendar year. An
25 individual may be counted only one (1) time during a calendar year
26 regardless of the:

27 (1) number of times assistance is provided; or

28 (2) number of households in which the individual resides during
29 a particular year.

30 (e) As used in this section, "total number of requests for assistance"
31 means the number of times an individual or a household separately
32 requests any type of township assistance.

33 (f) The township trustee shall file an annual statistical report on
34 township housing, medical care, utility assistance, food assistance,
35 burial assistance, food pantry assistance, services related to
36 representative payee programs, services related to special nontraditional
37 programs, and case management services with the state board of
38 accounts. The township trustee shall provide a copy of the annual

1 statistical report to the county auditor. The county auditor shall keep the
2 copy of the report in the county auditor's office. Except as provided in
3 subsection (k), the report must be made on a form provided by the state
4 board of accounts. The report must contain the following information:

- 5 (1) The total number of requests for assistance.
- 6 (2) The total number of each of the following:
 - 7 (A) Recipients of township assistance.
 - 8 (B) Households containing recipients of township assistance.
 - 9 (C) Case contacts made with or on behalf of:
 - 10 (i) recipients of township assistance; or
 - 11 (ii) members of a household receiving township assistance.
- 12 (3) The total value of benefits provided to recipients of township
13 assistance.
- 14 (4) The total value of benefits provided through the efforts of
15 township staff from sources other than township funds.
- 16 (5) The total number of each of the following:
 - 17 (A) Recipients of township assistance and households
18 receiving utility assistance.
 - 19 (B) Recipients assisted by township staff in receiving utility
20 assistance from sources other than township funds.
- 21 (6) The total value of benefits provided for the payment of
22 utilities, including the value of benefits of utility assistance
23 provided through the efforts of township staff from sources other
24 than township funds.
- 25 (7) The total number of each of the following:
 - 26 (A) Recipients of township assistance and households
27 receiving housing assistance.
 - 28 (B) Recipients assisted by township staff in receiving housing
29 assistance from sources other than township funds.
- 30 (8) The total value of benefits provided for housing assistance,
31 including the value of benefits of housing assistance provided
32 through the efforts of township staff from sources other than
33 township funds.
- 34 (9) The total number of each of the following:
 - 35 (A) Recipients of township assistance and households
36 receiving food assistance.
 - 37 (B) Recipients assisted by township staff in receiving food
38 assistance from sources other than township funds.

- 1 (10) The total value of food assistance provided, including the
2 value of food assistance provided through the efforts of township
3 staff from sources other than township funds.
- 4 (11) The total number of each of the following:
- 5 (A) Recipients of township assistance and households provided
6 health care.
- 7 (B) Recipients assisted by township staff in receiving health
8 care assistance from sources other than township funds.
- 9 (12) The total value of health care provided, including the value
10 of health care assistance provided through the efforts of township
11 staff from sources other than township funds.
- 12 (13) The total number of funerals, burials, and cremations.
- 13 (14) The total value of funerals, burials, and cremations, including
14 the difference between the:
- 15 (A) actual value of the funerals, burials, and cremations; and
16 (B) amount paid by the township for the funerals, burials, and
17 cremations.
- 18 (15) The total of each of the following:
- 19 (A) Number of nights of emergency shelter provided to the
20 homeless.
- 21 (B) Number of nights of emergency shelter provided to
22 homeless individuals through the efforts of township staff from
23 sources other than township funds.
- 24 (C) Value of the nights of emergency shelter provided to
25 homeless individuals by the township and the value of the
26 nights of emergency shelter provided through the efforts of the
27 township staff from sources other than township funds.
- 28 (16) The total of each of the following:
- 29 (A) Number of referrals of township assistance applicants to
30 other programs.
- 31 (B) Value of the services provided by the township in making
32 referrals to other programs.
- 33 (17) The total number of training programs or job placements
34 found for recipients of township assistance with the assistance of
35 the township trustee.
- 36 (18) The number of hours spent by recipients of township
37 assistance at workfare.
- 38 (19) The total value of the services provided by workfare to the

- 1 township and other agencies.
- 2 (20) The total amount of reimbursement for assistance received
- 3 from:
- 4 (A) recipients;
- 5 (B) members of recipients' households; or
- 6 (C) recipients' estates;
- 7 under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
- 8 (21) The total amount of reimbursement for assistance received
- 9 from medical programs under IC 12-20-16-2(e).
- 10 (22) The total of each of the following:
- 11 (A) Number of individuals assisted through a representative
- 12 payee program.
- 13 (B) Amount of funds processed through the representative
- 14 payee program that are not township funds.
- 15 (23) The total of each of the following:
- 16 (A) Number of individuals assisted through special
- 17 nontraditional programs provided through the township
- 18 without the expenditure of township funds.
- 19 (B) Amount of funds used to provide the special nontraditional
- 20 programs that are not township funds.
- 21 (24) The total of each of the following:
- 22 (A) Number of hours an investigator of township assistance
- 23 spends providing case management services to a recipient of
- 24 township assistance or a member of a household receiving
- 25 township assistance.
- 26 (B) Value of the case management services provided.
- 27 (25) The total number of housing inspections performed by the
- 28 township.
- 29 If the total number or value of any item required to be reported under
- 30 this subsection is zero (0), the township trustee shall include the
- 31 notation "0" in the report where the total number or value is required to
- 32 be reported.
- 33 (g) The state board of accounts shall compare and compile all data
- 34 reported under subsection (f) into a statewide statistical report. The
- 35 department shall summarize the data compiled by the state board of
- 36 accounts that relate to the fixing of township budgets, levies, and tax
- 37 rates and shall include the department's summary within the statewide
- 38 statistical report prepared under this subsection. Before July 1, of each

1 year, the state board of accounts shall file the statewide statistical report
 2 prepared under this subsection with the executive director of the
 3 legislative services agency in an electronic format under IC 5-14-6.

4 (h) The state board of accounts shall forward a copy of:

5 (1) each annual report forwarded to the board under subsection

6 (f); and

7 (2) the statewide statistical report under subsection (g);

8 to the department and the division of family ~~and children~~ **resources**.

9 (i) The division of family ~~and children~~ **resources** shall include in the
 10 division's periodic reports made to the United States Department of
 11 Health and Human Services concerning the Temporary Assistance to
 12 Needy Families (TANF) and Supplemental Security Income (SSI)
 13 programs information forwarded to the division under subsection (h)
 14 concerning the total number of recipients of township assistance and the
 15 total dollar amount of benefits provided.

16 (j) The department may not approve the budget of a township trustee
 17 who fails to file an annual report under subsection (f) in the preceding
 18 calendar year.

19 (k) This section does not prevent the electronic transfer of data
 20 required to be reported under IC 12-2-1-40 (before its repeal) or this
 21 section if the following conditions are met:

22 (1) The method of reporting is acceptable to both the township
 23 trustee reporting the information and the governmental entity to
 24 which the information is reported.

25 (2) A written copy of information reported by electronic transfer
 26 is on file with the township trustee reporting information by
 27 electronic means.

28 (l) The information required to be reported by the township trustee
 29 under this section shall be maintained by the township trustee in
 30 accordance with IC 5-15-6."

31 Page 32, between lines 37 and 38, begin a new paragraph and insert:

32 "SECTION 118. IC 12-22-3-4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The bureau head is
 34 responsible for the following:

35 (1) Developing a definition and criteria for emotional disturbance
 36 and serious emotional disturbance.

37 (2) Assessing current and projected needs for emotionally
 38 disturbed children and youth within geographic areas of Indiana.

- 1 (3) Developing an annual plan for children's mental health
- 2 services, including an implementation plan and fiscal
- 3 requirements.
- 4 (4) Developing the budget and budget requests for the bureau.
- 5 (5) Implementing plans required under federal Public Law 99-660
- 6 (1986).
- 7 (6) Developing and coordinating programs and services for
- 8 prevention and family support.
- 9 (7) Providing technical assistance and oversight of children's
- 10 mental health programs and services within mental health
- 11 facilities that are licensed or certified by the state.
- 12 (8) Coordinating with the director of the ~~division of family and~~
- 13 **children department of child services** on matters concerning
- 14 children with mental health needs.
- 15 (9) Coordinating with other bureaus of the division.
- 16 (10) Maintaining sufficient staff to carry out the duties of the
- 17 bureau.

18 SECTION 119. IC 12-24-13-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The ~~division of~~
 20 **family and children department of child services** or a county office is
 21 responsible for the cost of treatment or maintenance of a child under the
 22 ~~division's department's~~ or county office's custody or supervision who
 23 is placed in a state institution only if the cost is reimbursable under the
 24 state Medicaid program under IC 12-15.

25 SECTION 120. IC 12-26-10-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the comfort and
 27 the care of an individual are not otherwise provided:

- 28 (1) from the individual's estate;
- 29 (2) by the individual's relatives or friends; or
- 30 (3) through financial assistance from the **department of child**
- 31 **services, the** division of family ~~and children~~ **resources**, or a
- 32 county office;

33 the court may order the assistance furnished and paid for out of the
 34 general fund of the county.

35 SECTION 121. IC 12-30-2-11 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The superintendent
 37 of a county home shall carefully observe the rules prescribed by the
 38 board of commissioners and shall be guided by suggestions that are

made by the division of family ~~and children~~ **resources** and the county office. The superintendent shall make reports to the board of commissioners when the board of commissioners orders and shall make reports to the division of family ~~and children~~ **resources** when directed by the division.

SECTION 122. IC 12-30-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The members of the county home board serve without salary, but are entitled to receive for each mile actually and necessarily traveled:

(1) within the county in going to and from officially called meetings of the county home board; and

(2) within Indiana in going to and from meetings of the county home board officially called by the division of family ~~and children~~ **resources**;

an amount for mileage at a rate determined by the county fiscal body.

(b) A member not holding other lucrative elective or appointive office may receive a per diem allowance of not more than twenty-five dollars (\$25) for attendance at any regularly called meeting of the county home board. Per diem allowances may not exceed twenty-five dollars (\$25) to any one (1) member in a calendar month and may be paid only if the amount has been made available by appropriation.

SECTION 123. IC 12-30-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) This section applies to a county having a consolidated city.

(b) The county home board shall fix a schedule of charges for the care and maintenance of patients or residents and the effective date of the schedule. A schedule of charges established under this section is not effective until after the charges have been approved by resolution of the city-county council. In establishing the schedule of charges, the county home board may fix different rates based on different types or classes of care. If the home is licensed under state or federal laws that authorize or fix different classes of care, those classifications authorized or fixed by law are a sufficient basis for classification in the schedule of charges. The schedule of charges may also provide that separate and additional charges may be charged for special treatments, drugs, medical service, appliances, and other auxiliary services that are not included in the classification of care.

(c) This section is the exclusive basis of determining the charges to

1 be made to patients and residents of a county home and the provisions
 2 of any other laws regarding those rates, including laws concerning
 3 county institutions, relief of poor persons, township trustees, county
 4 offices of the division of family ~~and children~~, **resources**, and boards of
 5 commissioners, do not apply. However, a rate established under this
 6 section must be based on a fair and reasonable estimate of the cost of
 7 the care and may not anticipate any profit from rendering the care.".

8 Page 34, between lines 34 and 35, begin a new paragraph and insert:

9 "SECTION 126. IC 16-21-1-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The hospital
 11 council is created.

12 (b) The council consists of nine (9) members appointed by the
 13 governor as follows:

14 (1) One (1) must be a licensed physician.

15 (2) One (1) must be a registered nurse licensed under IC 25-23
 16 and experienced in providing acute care services.

17 (3) Three (3) must be individuals engaged in hospital
 18 administration.

19 (4) One (1) must be an individual engaged in freestanding
 20 ambulatory outpatient surgical center administration.

21 (5) One (1) must be from the division of family ~~and children~~.
 22 **resources.**

23 (6) One (1) must be the state health commissioner.

24 (7) One (1) must be an individual who is not associated with
 25 hospitals, except as a consumer.

26 (c) Except for the members of the council appointed under
 27 subsection (b)(3) and (b)(4), a member of the council may not have a
 28 pecuniary interest in the operation of, or provide professional services
 29 through employment or under contract to, an institution or agency
 30 licensed under this article.

31 SECTION 127. IC 16-22-8-34, AS AMENDED BY P.L.184-2005,
 32 SECTION 35, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) The board or corporation
 34 may do all acts necessary or reasonably incident to carrying out the
 35 purposes of this chapter, including the following:

36 (1) As a municipal corporation, sue and be sued in any court with
 37 jurisdiction.

38 (2) To serve as the exclusive local board of health and local

1 department of health within the county with the powers and duties
2 conferred by law upon local boards of health and local
3 departments of health.

4 (3) To adopt and enforce ordinances consistent with Indiana law
5 and administrative rules for the following purposes:

6 (A) To protect property owned or managed by the corporation.

7 (B) To determine, prevent, and abate public health nuisances.

8 (C) To establish quarantine regulations, impose restrictions on
9 persons having infectious or contagious diseases and contacts
10 of the persons, and regulate the disinfection of premises.

11 (D) To license, regulate, and establish minimum sanitary
12 standards for the operation of a business handling, producing,
13 processing, preparing, manufacturing, packing, storing, selling,
14 distributing, or transporting articles used for food, drink,
15 confectionery, or condiment in the interest of the public health.

16 (E) To control:

17 (i) rodents, mosquitos, and other animals, including insects,
18 capable of transmitting microorganisms and disease to
19 humans and other animals; and

20 (ii) the animal's breeding places.

21 (F) To require persons to connect to available sewer systems
22 and to regulate the disposal of domestic or sanitary sewage by
23 private methods. However, the board and corporation has no
24 jurisdiction over publicly owned or financed sewer systems or
25 sanitation and disposal plants.

26 (G) To control rabies.

27 (H) For the sanitary regulation of water supplies for domestic
28 use.

29 (I) To protect, promote, or improve public health. For public
30 health activities and to enforce public health laws, the state
31 health data center described in IC 16-19-10 shall provide
32 health data, medical information, and epidemiological
33 information to the corporation.

34 (J) To detect, report, prevent, and control disease affecting
35 public health.

36 (K) To investigate and diagnose health problems and health
37 hazards.

38 (L) To regulate the sanitary and structural conditions of

- 1 residential and nonresidential buildings and unsafe premises.
- 2 (M) To license and regulate the design, construction, and
- 3 operation of public pools, spas, and beaches.
- 4 (N) To regulate the storage, containment, handling, use, and
- 5 disposal of hazardous materials.
- 6 (O) To license and regulate tattoo parlors and body piercing
- 7 facilities.
- 8 (4) To manage the corporation's hospitals, medical facilities, and
- 9 mental health facilities.
- 10 (5) To furnish health and nursing services to elementary and
- 11 secondary schools within the county.
- 12 (6) To furnish medical care to the indigent within the county
- 13 unless medical care is furnished to the indigent by the division of
- 14 family ~~and children~~ resources.
- 15 (7) To determine the public health policies and programs to be
- 16 carried out and administered by the corporation.
- 17 (8) To adopt an annual budget ordinance and levy taxes.
- 18 (9) To incur indebtedness in the name of the corporation.
- 19 (10) To organize the personnel and functions of the corporation
- 20 into divisions and subdivisions to carry out the corporation's
- 21 powers and duties and to consolidate, divide, or abolish the
- 22 divisions and subdivisions.
- 23 (11) To acquire and dispose of property.
- 24 (12) To receive and make gifts.
- 25 (13) To receive and distribute federal, state, local, or private
- 26 grants.
- 27 (14) To erect buildings or structures or improvements to existing
- 28 buildings or structures.
- 29 (15) To determine matters of policy regarding internal
- 30 organization and operating procedures.
- 31 (16) To do the following:
- 32 (A) Adopt a schedule of reasonable charges for nonresidents
- 33 of the county for medical and mental health services.
- 34 (B) Collect the charges from the patient or from the
- 35 governmental unit where the patient resided at the time of the
- 36 service.
- 37 (C) Require security for the payment of the charges.
- 38 (17) To adopt a schedule of and to collect reasonable charges for

- 1 patients able to pay in full or in part.
- 2 (18) To enforce Indiana laws, administrative rules, and the code
- 3 of the health and hospital corporation of the county.
- 4 (19) To purchase supplies, materials, and equipment for the
- 5 corporation.
- 6 (20) To employ personnel and establish personnel policies to carry
- 7 out the duties, functions, and powers of the corporation.
- 8 (21) To employ attorneys admitted to practice law in Indiana.
- 9 (22) To acquire, erect, equip, and operate the corporation's
- 10 hospitals, medical facilities, and mental health facilities.
- 11 (23) To dispose of surplus property in accordance with a policy by
- 12 the board.
- 13 (24) To determine the duties of officers and division directors.
- 14 (25) To fix the compensation of the officers and division directors.
- 15 (26) To carry out the purposes and object of the corporation.
- 16 (27) To obtain loans for hospital expenses in amounts and upon
- 17 terms agreeable to the board. The board may secure the loans by
- 18 pledging accounts receivable or other security in hospital funds.
- 19 (28) To establish fees for licenses, services, and records. The
- 20 corporation may accept payment by credit card for fees.
- 21 (b) The board shall exercise the board's powers and duties in a
- 22 manner consistent with Indiana law, administrative rules, and the code
- 23 of the health and hospital corporation of the county.
- 24 SECTION 128. IC 16-28-1-1 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The Indiana
- 26 health facilities council is created. The council consists of fourteen (14)
- 27 members as follows:
- 28 (1) One (1) licensed physician.
- 29 (2) Two (2) administrators, licensed under IC 25-19-1, of a
- 30 proprietary health facility licensed under this article.
- 31 (3) One (1) administrator, licensed under IC 25-19-1, of a
- 32 nonproprietary health facility licensed under this article.
- 33 (4) One (1) registered nurse licensed under IC 25-23.
- 34 (5) One (1) registered pharmacist licensed under IC 25-26.
- 35 (6) Two (2) citizens having knowledge or experience in the field
- 36 of gerontology.
- 37 (7) One (1) representative of a statewide senior citizens
- 38 organization.

- 1 (8) One (1) citizen having knowledge or experience in the field of
- 2 mental health.
- 3 (9) One (1) nurse-educator of a practical nurse program.
- 4 (10) The commissioner.
- 5 (11) The director of the division of family ~~and children~~ **resources**
- 6 or the director's designee.
- 7 (12) The director of the division of disability, aging, and
- 8 rehabilitative services or the director's designee.
- 9 (b) The members of the council designated by subsection (a)(1)
- 10 through (a)(9) shall be appointed by the governor.
- 11 (c) Except for the members of the council designated by subsection
- 12 (a)(10) through (a)(12), all appointments are for four (4) years. If a
- 13 vacancy occurs, the appointee serves for the remainder of the unexpired
- 14 term. A vacancy is filled from the same group that was represented by
- 15 the outgoing member.
- 16 (d) Except for the members of the council designated by subsection
- 17 (a)(2) through (a)(3), a member of the council may not have a
- 18 pecuniary interest in the operation of or provide professional services
- 19 through employment or under contract to a facility licensed under this
- 20 article.
- 21 SECTION 129. IC 16-28-1-7 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The council shall do
- 23 the following:
- 24 (1) Propose the adoption of rules by the department under
- 25 IC 4-22-2 governing the following:
- 26 (A) Health and sanitation standards necessary to protect the
- 27 health, safety, security, rights, and welfare of patients.
- 28 (B) Qualifications of applicants for licenses issued under this
- 29 article to assure the proper care of patients.
- 30 (C) Operation, maintenance, management, equipment, and
- 31 construction of facilities required to be licensed under this
- 32 article if jurisdiction is not vested in any other state agency.
- 33 (D) Manner, form, and content of the license, including rules
- 34 governing disclosure of ownership interests.
- 35 (E) Levels of medical staffing and medical services in
- 36 cooperation with the office of Medicaid policy and planning,
- 37 division of family ~~and children~~ **resources**, and other agencies
- 38 authorized to pay for the services.

(2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.

(3) Classify health facilities in health care categories.

(4) Encourage the development of social and habilitative programs in health facilities, as recommended by the community residential facilities council.

(5) Act as an advisory body for the division, commissioner, and state department.

(6) Adopt rules under IC 4-22-2. ~~as provided in IC 16-29-1-13.~~

SECTION 130. IC 16-33-4-11, AS AMENDED BY P.L.1-2005, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) After an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

(1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.

(2) The child is at least three (3) years of age but less than eighteen (18) years of age.

(3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, if a child meets the requirements under subsection (b), receive as residents in the home the:

(1) grandchildren;

(2) stepchildren;

(3) brothers;

(4) sisters;

(5) nephews; and

(6) nieces;

of members of the armed forces who are in need of residential care and

1 education.

2 (d) If the applications of all children eligible for residence under
3 subsections (a) through (c) have been considered and if space is
4 available, the superintendent may accept for residence children
5 referred:

6 (1) by the ~~division of family and children~~ **department of child**
7 **services** established by ~~IC 12-13-1-1~~, **IC 31-33-1.5-2**; or

8 (2) by the division of special education established by
9 IC 20-35-2-1;

10 subject to an adequate investigation as determined by the
11 superintendent of the home or the superintendent's designee, including
12 a consideration of appropriateness of placement, and the approval of the
13 state health commissioner or the commissioner's designee.

14 SECTION 131. IC 16-33-4-12 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An application
16 for admission to the home may be made by a responsible parent, a
17 guardian, a representative of the court, or the county office of family
18 and children.

19 (b) If an application is submitted by a person other than a
20 responsible parent or guardian, the superintendent of the home shall
21 cooperate with the appropriate county office of family and children,
22 either directly or through the ~~division of family and children~~,
23 **department of child services**, to ensure that an appropriate case study
24 is made upon application and continued throughout the period the child
25 resides at the home.

26 SECTION 132. IC 16-33-4-17 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Each child, the
28 estate of the child, the parent or parents of the child, or the guardian of
29 the child, individually or collectively, are liable for the payment of the
30 costs of maintenance of the child of up to one hundred percent (100%)
31 of the per capita cost, except as otherwise provided. The cost shall be
32 computed annually by dividing the total annual cost of operation for the
33 fiscal year, exclusive of the cost of education programs, construction,
34 and equipment, by the total child days each year. The maintenance cost
35 shall be referred to as maintenance charges. The charge may not be
36 levied against any of the following:

37 (1) The ~~division of family and children~~ **department of child**
38 **services** or the county office of family and children to be derived

1 from county tax sources.

2 (2) A child orphaned by reason of the death of the natural parents.

3 (b) The billing and collection of the maintenance charges as
4 provided for in subsection (a) shall be made by the superintendent of
5 the home based on the per capita cost for the preceding fiscal year. All
6 money collected shall be deposited in a fund to be known as the Indiana
7 soldiers' and sailors' children's home maintenance fund. The fund shall
8 be used by the state health commissioner for the:

9 (1) preventative maintenance; and

10 (2) repair and rehabilitation;

11 of buildings of the home that are used for housing, food service, or
12 education of the children of the home.

13 (c) The superintendent of the home may, with the approval of the
14 state health commissioner, agree to accept payment at a lesser rate than
15 that prescribed in subsection (a). The superintendent of the home shall,
16 in determining whether or not to accept the lesser amount, take into
17 consideration the amount of money that is necessary to maintain or
18 support any member of the family of the child. All agreements to accept
19 a lesser amount are subject to cancellation or modification at any time
20 by the superintendent of the home with the approval of the state health
21 commissioner.

22 (d) A person who has been issued a statement of amounts due as
23 maintenance charges may petition the superintendent of the home for
24 a release from or modification of the statement and the superintendent
25 shall provide for hearings to be held on the petition. The superintendent
26 of the home may, with the approval of the state health commissioner
27 and after the hearing, cancel or modify the former statement and at any
28 time for due cause may increase the amounts due for maintenance
29 charges to an amount not to exceed the maximum cost as determined
30 under subsection (a).

31 (e) The superintendent of the home may arrange for the
32 establishment of a graduation or discharge trust account for a child by
33 arranging to accept a lesser rate of maintenance charge. The trust fund
34 must be of sufficient size to provide for immediate expenses upon
35 graduation or discharge.

36 (f) The superintendent may make agreements with instrumentalities
37 of the federal government for application of any monetary awards to be
38 applied toward the maintenance charges in a manner that provides a

sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate personal needs of the child and to provide a suitable graduation or discharge allowance. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in subsection (a).

(g) The superintendent of the home may do the following:

(1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial condition of each person liable under this chapter.

(2) Make determinations of the ability of:

(A) the estate of the child;

(B) the legal guardian of the child; or

(C) each of the responsible parents of the child;

to pay maintenance charges.

(3) Set a standard as a basis of judgment of ability to pay that shall be recomputed periodically to do the following:

(A) Reflect changes in the cost of living and other pertinent factors.

(B) Provide for unusual and exceptional circumstances in the application of the standard.

(4) Issue to any person liable under this chapter statements of amounts due as maintenance charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding the maximum cost as determined under this chapter."

Page 35, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 134. IC 16-37-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

(1) a hospital; or

(2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

(1) provide an opportunity for:

(A) the child's mother; and

(B) a man who reasonably appears to be the child's biological father;

- 1 to execute an affidavit acknowledging paternity of the child; and
- 2 (2) verbally explain to the individuals listed in subdivision (1) the
- 3 legal effects of an executed paternity affidavit as described in
- 4 subsection (g).
- 5 (c) A paternity affidavit must be executed on a form provided by the
- 6 state department. The paternity affidavit is valid only if the affidavit is
- 7 executed as follows:
- 8 (1) If executed through a hospital, the paternity affidavit must be
- 9 completed not more than seventy-two (72) hours after the child's
- 10 birth.
- 11 (2) If executed through a local health department, the paternity
- 12 affidavit must be completed before the child has reached the age
- 13 of emancipation.
- 14 (d) A paternity affidavit is not valid if it is executed after the mother
- 15 of the child has executed a consent to adoption of the child and a
- 16 petition to adopt the child has been filed.
- 17 (e) A paternity affidavit executed under this section must contain or
- 18 be attached to all of the following:
- 19 (1) The mother's sworn statement asserting that a person described
- 20 in subsection (a)(2) is the child's biological father.
- 21 (2) A statement by a person identified as the father under
- 22 subdivision (1) attesting to a belief that he is the child's biological
- 23 father.
- 24 (3) Written information furnished by the ~~division of family and~~
- 25 ~~children;~~ **child support bureau of the department of child**
- 26 **services:**
- 27 (A) explaining the effect of an executed paternity affidavit as
- 28 described in subsection (g); and
- 29 (B) describing the availability of child support enforcement
- 30 services.
- 31 (4) The Social Security number of each parent.
- 32 (f) A woman who knowingly or intentionally falsely names a man
- 33 as the child's biological father under this section commits a Class A
- 34 misdemeanor.
- 35 (g) A paternity affidavit executed under this section:
- 36 (1) establishes paternity; and
- 37 (2) gives rise to parental rights and responsibilities of the person
- 38 described in subsection (e)(2), including the right of the child's

1 mother or the Title IV-D agency to obtain a child support order
2 against the person.

3 However, if a paternity affidavit is executed under this section, the
4 child's mother has sole legal custody of the child unless another custody
5 determination is made by a court in a proceeding under IC 31-14.

6 (h) Notwithstanding any other law:

7 (1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or

8 (2) a man who is a party to a paternity affidavit executed under
9 this section;

10 may, within sixty (60) days of the date that a paternity affidavit is
11 executed under this section, file an action in a court with jurisdiction
12 over paternity to request an order for a genetic test.

13 (i) A paternity affidavit that is properly executed under this section
14 may not be rescinded more than sixty (60) days after the paternity
15 affidavit is executed unless a court has determined that fraud, duress,
16 or material mistake of fact existed in the execution of the paternity
17 affidavit.

18 (j) Unless good cause is shown, a court shall not suspend the legal
19 responsibilities under subsection (g)(2) of a party to the executed
20 paternity affidavit during a challenge to the affidavit.

21 (k) The court shall set aside the paternity affidavit upon a showing
22 from a genetic test that sufficiently demonstrates that the person who
23 executed the paternity affidavit is excluded as the child's biological
24 father.

25 (l) If a paternity affidavit is not executed under subsection (b), the
26 hospital where the birth occurs or a person in attendance at the birth
27 shall inform the child's mother of services available for establishing
28 paternity."

29 Page 37, between lines 34 and 35, begin a new paragraph and insert:

30 "SECTION 136. IC 16-41-40-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this
32 chapter, ~~"division"~~ **"department"** refers to the ~~division of family and~~
33 ~~children~~ **department of child services** established by ~~IC 12-13-1-1.~~
34 **IC 31-33-1.5-2.**"

35 Page 38, line 28, delete "IC 12-7-2-149.1(4))" and insert
36 **"IC 12-7-2-149.1 or IC 31-9-2-99.3)".**

37 Page 38, line 29, after "division" insert **"or the department of child**
38 **services"**.

1 Page 38, line 31, after "division" insert "**or the department of child**
2 **services**".

3 Page 39, between lines 8 and 9, begin a new paragraph and insert:
4 "SECTION 141. IC 16-46-6-4, AS AMENDED BY P.L.2-2005,
5 SECTION 59, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The council consists of the
7 following twenty-one (21) members:

- 8 (1) Two (2) members of the house of representatives from
9 different political parties appointed by the speaker of the house of
10 representatives.
- 11 (2) Two (2) members of the senate from different political parties
12 appointed by the president pro tempore of the senate.
- 13 (3) The governor or the governor's designee.
- 14 (4) The state health commissioner or the commissioner's designee.
- 15 (5) The director of the division of family ~~and children~~ **resources**
16 or the director's designee.
- 17 (6) The director of the office of Medicaid policy and planning or
18 the director's designee.
- 19 (7) The director of the division of mental health and addiction or
20 the director's designee.
- 21 (8) The commissioner of the department of correction or the
22 commissioner's designee.
- 23 (9) One (1) representative of a local health department appointed
24 by the governor.
- 25 (10) One (1) representative of a public health care facility
26 appointed by the governor.
- 27 (11) One (1) psychologist appointed by the governor who:
28 (A) is licensed to practice psychology in Indiana; and
29 (B) has knowledge and experience in the special health needs
30 of minorities.
- 31 (12) One (1) member appointed by the governor based on the
32 recommendation of the Indiana State Medical Association.
- 33 (13) One (1) member appointed by the governor based on the
34 recommendation of the National Medical Association.
- 35 (14) One (1) member appointed by the governor based on the
36 recommendation of the Indiana Hospital and Health Association.
- 37 (15) One (1) member appointed by the governor based on the
38 recommendation of the American Cancer Society.

(16) One (1) member appointed by the governor based on the recommendation of the American Heart Association.

(17) One (1) member appointed by the governor based on the recommendation of the American Diabetes Association.

(18) One (1) member appointed by the governor based on the recommendation of the Black Nurses Association.

(19) One (1) member appointed by the governor based on the recommendation of the Indiana Minority Health Coalition.

(b) At least fifty-one percent (51%) of the members of the council must be minorities.

SECTION 142. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the ~~division of family and children;~~
department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the ~~division of family and children;~~ **department of child services;**

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of

the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under ~~IC 20-35-2-1(c)(5)~~. IC 20-35-2-1(b)(5).

(c) A student who is placed in:

(1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

(1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and

(2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support."

Page 39, line 16, after "after" insert "**the department of child**

1 **services or".**

2 Page 39, line 16, after "county" insert "**office of family and**
3 **children".**

4 Page 39, line 17, after "student, the" insert "**department of child**
5 **services or the".**

6 Page 39, line 17, after "county" insert "**office of family and**
7 **children".**

8 Page 39, between lines 30 and 31, begin a new paragraph and insert:

9 "SECTION 144. IC 20-26-11-12, AS ADDED BY P.L.1-2005,
10 SECTION 10, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) If a student is transferred
12 under section 5 of this chapter from a school corporation in Indiana to
13 a public school corporation in another state, the transferor corporation
14 shall pay the transferee corporation the full tuition fee charged by the
15 transferee corporation. However, the amount of the full tuition fee may
16 not exceed the amount charged by the transferor corporation for the
17 same class of school, or if the school does not have the same
18 classification, the amount may not exceed the amount charged by the
19 geographically nearest school corporation in Indiana that has the same
20 classification.

21 (b) If a child is:

22 (1) placed by a court order in an out-of-state institution or other
23 facility; and

24 (2) provided all educational programs and services by a public
25 school corporation in the state where the child is placed, whether
26 at the facility, the public school, or another location;

27 the county office of family and children for the county placing the child
28 shall pay from the county family and children's fund to the public
29 school corporation in which the child is enrolled the amount of transfer
30 tuition specified in subsection (c).

31 (c) The transfer tuition for which a county office is obligated under
32 subsection (b) is equal to the following:

33 (1) The amount under a written agreement among the county
34 office, the institution or other facility, and the governing body of
35 the public school corporation in the other state that specifies the
36 amount and method of computing transfer tuition.

37 (2) The full tuition fee charged by the transferee corporation, if
38 subdivision (1) does not apply. However, the amount of the full

tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

(1) placed by a court order in an out-of-state institution or other facility; and

(2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school; the county office of family and children for the county placing the child shall pay from the county family and children's fund in an amount and in the manner specified in a written agreement between the county office and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the ~~division of family and children~~ **department of child services**. However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 145. IC 20-26-13-10, AS ADDED BY P.L.242-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. Except as provided in section 11 of this chapter, the graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Add:

- 1 (A) the sum determined under STEP TWO; and
- 2 (B) the number of retained students from earlier cohorts who
- 3 became members of the cohort for whom the graduation rate
- 4 is being determined.

5 STEP FOUR: Add:

- 6 (A) the sum determined under STEP THREE; and
- 7 (B) the number of students who:
 - 8 (i) began the reporting year in a cohort that expects to
 - 9 graduate during a future reporting year; and
 - 10 (ii) graduate during the current reporting year.

11 STEP FIVE: Subtract from the sum determined under STEP
 12 FOUR the number of students who have left the cohort for any of
 13 the following reasons:

- 14 (A) Transfer to another public or nonpublic school.
- 15 (B) Removal by the student's parents under IC 20-33-2-28 to
- 16 provide instruction equivalent to that given in the public
- 17 schools.
- 18 (C) Withdrawal because of a long term medical condition or
- 19 death.
- 20 (D) Detention by a law enforcement agency or the department
- 21 of correction.
- 22 (E) Placement by a court order or the ~~division of family and~~
- 23 ~~children.~~ **department of child services.**
- 24 (F) Enrollment in a virtual school.
- 25 (G) Graduation before the beginning of the reporting year.
- 26 (H) Leaving school, if the student attended school in Indiana
- 27 for less than one (1) school year and the location of the student
- 28 cannot be determined.
- 29 (I) Leaving school, if the location of the student cannot be
- 30 determined and the student has been reported to the Indiana
- 31 clearinghouse for information on missing children.
- 32 (J) Withdrawing from school before graduation, if the student
- 33 is a high ability student (as defined in IC 20-36-1-3) who is a
- 34 full-time student at an accredited institution of higher
- 35 education during the semester in which the cohort graduates.

36 STEP SIX: Determine the total number of students who have
 37 graduated during the current reporting year.

38 STEP SEVEN: Divide:

- 1 (A) the number determined under STEP SIX; by
- 2 (B) the remainder determined under STEP FIVE.

3 SECTION 146. IC 20-35-3-1, AS ADDED BY P.L.218-2005,
 4 SECTION 80, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state superintendent shall
 6 appoint a state advisory council on the education of children with
 7 disabilities. The state advisory council's duties consist of providing
 8 policy guidance concerning special education and related services for
 9 children with disabilities. The state superintendent shall appoint at least
 10 seventeen (17) members who serve for a term of four (4) years.
 11 Vacancies shall be filled in the same manner for the unexpired balance
 12 of the term.

13 (b) The members of the state advisory council must be:

- 14 (1) citizens of Indiana;
- 15 (2) representative of the state's population; and
- 16 (3) selected on the basis of their involvement in or concern with
- 17 the education of children with disabilities.

18 (c) A majority of the members of the state advisory council must be
 19 individuals with disabilities or the parents of children with disabilities.
 20 Members must include the following:

- 21 (1) Parents of children with disabilities.
- 22 (2) Individuals with disabilities.
- 23 (3) Teachers.
- 24 (4) Representatives of higher education institutions that prepare
- 25 special education and related services personnel.
- 26 (5) State and local education officials.
- 27 (6) Administrators of programs for children with disabilities.
- 28 (7) Representatives of state agencies involved in the financing or
- 29 delivery of related services to children with disabilities, including
- 30 the following:

- 31 (A) The commissioner of the state department of health or the
- 32 commissioner's designee.
- 33 (B) The director of the division of disability, aging, and
- 34 rehabilitative services or the director's designee.
- 35 (C) The director of the division of mental health and addiction
- 36 or the director's designee.
- 37 (D) The director of the ~~division of family and children~~
- 38 **department of child services** or the director's designee.

- 1 (8) Representatives of nonpublic schools and freeway schools.
- 2 (9) One (1) or more representatives of vocational, community, or
- 3 business organizations concerned with the provision of
- 4 transitional services to children with disabilities.
- 5 (10) Representatives of the department of correction.
- 6 (11) A representative from each of the following:
 - 7 (A) The Indiana School for the Blind and Visually Impaired
 - 8 board.
 - 9 (B) The Indiana School for the Deaf board.
- 10 (d) The responsibilities of the state advisory council are as follows:
 - 11 (1) To advise the state superintendent and the state board
 - 12 regarding all rules pertaining to children with disabilities.
 - 13 (2) To recommend approval or rejection of completed
 - 14 comprehensive plans submitted by school corporations acting
 - 15 individually or on a joint school services program basis with other
 - 16 corporations.
 - 17 (3) To advise the department of unmet needs within Indiana in the
 - 18 education of children with disabilities.
 - 19 (4) To provide public comment on rules proposed by the state
 - 20 board regarding the education of children with disabilities.
 - 21 (5) To advise the department in developing evaluations and
 - 22 reporting data to the United States Secretary of Education under
 - 23 20 U.S.C. 1418.
 - 24 (6) To advise the department in developing corrective action plans
 - 25 to address findings identified in federal monitoring reports under
 - 26 20 U.S.C. 1400 et seq.
 - 27 (7) To advise the department in developing and implementing
 - 28 policies related to the coordination of services for children with
 - 29 disabilities.
- 30 (e) The state advisory council shall do the following:
 - 31 (1) Organize with a chairperson selected by the state
 - 32 superintendent.
 - 33 (2) Meet as often as necessary to conduct the council's business at
 - 34 the call of the chairperson, upon ten (10) days written notice, but
 - 35 not less than four (4) times a year.
- 36 (f) Members of the state advisory council are entitled to reasonable
- 37 amounts for expenses necessarily incurred in the performance of their
- 38 duties.

(g) The state superintendent shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 147. IC 20-35-6-1, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Before February 1 of each calendar year, a program for preschool children with disabilities that is supported by the division of family ~~and children resources~~ shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

SECTION 148. IC 20-35-7-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

(1) Public school corporations that operate programs individually or cooperatively with other school corporations.

(2) Community agencies operated or supported by the office of the secretary of family and social services.

(3) State developmental centers operated by the division of disability, aging, and rehabilitative services.

(4) State hospitals operated by the division of mental health and addiction.

(5) State schools and programs operated by the state department of health.

(6) Programs operated by the department of correction.

(7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the ~~division of family and children~~, **department of child services**, or other public entity.

SECTION 149. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005,

1 SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS
2 CORRECTED AND AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: Sec. 1.1. As used in this chapter:

4 (a) "School corporation" means any local public school corporation
5 established under Indiana law. Except as otherwise indicated, the term
6 includes a charter school.

7 (b) "School year" means a year beginning July 1 and ending the next
8 succeeding June 30.

9 (c) "State distribution" due a school corporation means the amount
10 of state funds to be distributed to a school corporation in any calendar
11 year under this chapter.

12 (d) "Average daily membership" or "ADM" of a school corporation
13 means the number of eligible pupils enrolled in the school corporation
14 or in a transferee corporation on a day to be fixed annually by the
15 Indiana state board of education and *beginning in the school year that*
16 *ends in the 2005 calendar year*, as subsequently adjusted not later than
17 January 30 under the rules adopted by the state board of education. The
18 initial day of the count shall fall within the first thirty (30) days of the
19 school term. If, however, extreme patterns of student in-migration,
20 illness, natural disaster, or other unusual conditions in a particular
21 school corporation's enrollment on either the day fixed by the Indiana
22 state board of education or on the subsequent adjustment date, cause the
23 enrollment to be unrepresentative of the school corporation's enrollment
24 throughout a school year, the Indiana state board of education may
25 designate another day for determining the school corporation's
26 enrollment. The Indiana state board of education shall monitor changes
27 that occur after the fall count, in the number of students enrolled in
28 programs for children with disabilities and shall, before December 2 of
29 that same year and, beginning in the 2004 calendar year, before April
30 2 of the following calendar year, make an adjusted count of students
31 enrolled in programs for children with disabilities. The superintendent
32 of public instruction shall certify the December adjusted count to the
33 budget committee before February 5 of the following year and the April
34 adjusted count not later than May 31 immediately after the date of the
35 April adjusted count. In determining the ADM, each kindergarten pupil
36 shall be counted as one-half (1/2) pupil. Where a school corporation
37 commences kindergarten in a school year, the ADM of the current and
38 prior calendar years shall be adjusted to reflect the enrollment of the

1 kindergarten pupils. In determining the ADM, each pupil enrolled in a
2 public school and a nonpublic school is to be counted on a full-time
3 equivalency basis as provided in section 1.2 of this chapter.

4 (e) "Additional count" of a school corporation, or comparable
5 language, means the aggregate of the additional counts of the school
6 corporation for certain pupils as set out in section 3 of this chapter
7 (repealed) and as determined at the times for calculating ADM.
8 "Current additional count" means the initial computed additional count
9 of the school corporation for the school year ending in the calendar
10 year. "Prior year additional count" of a school corporation used in
11 computing its state distribution in a calendar year means the initial
12 computed additional count of the school corporation for the school year
13 ending in the preceding calendar year.

14 (f) For purposes of this subsection, "school corporation" does not
15 include a charter school. "Adjusted assessed valuation" of any school
16 corporation used in computing state distribution for a calendar year
17 means the assessed valuation in the school corporation, adjusted as
18 provided in IC 6-1.1-34. The amount of the valuation shall also be
19 adjusted downward by the department of local government finance to
20 the extent it consists of real or personal property owned by a railroad
21 or other corporation under the jurisdiction of a federal court under the
22 federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the
23 corporation being involved in a bankruptcy proceeding the corporation
24 is delinquent in payment of its Indiana real and personal property taxes
25 for the year to which the valuation applies. If the railroad or other
26 corporation in some subsequent calendar year makes payment of the
27 delinquent taxes, then the state superintendent of public instruction
28 shall prescribe adjustments in the distributions of state funds pursuant
29 to this chapter as are thereafter to become due to a school corporation
30 affected by the delinquency as will ensure that the school corporation
31 will not have been unjustly enriched under the provisions of
32 P.L.382-1987(ss). The amount of the valuation shall also be adjusted
33 downward by the department of local government finance to the extent
34 it consists of real or personal property described in IC 6-1.1-17-0.5(b).

35 (g) "General fund" means a fund established under IC 21-2-11-2.

36 (h) "Teacher" means every person who is required as a condition of
37 employment by a school corporation to hold a teacher's license issued
38 or recognized by the state, except substitutes and any person paid

1 entirely from federal funds.

2 (i) For purposes of this subsection, "school corporation" does not
3 include a charter school. "Teacher ratio" of a school corporation used
4 in computing state distribution in any calendar year means the ratio
5 assigned to the school corporation pursuant to section 2 of this chapter.

6 (j) "Eligible pupil" means a pupil enrolled in a school corporation if:

7 (1) the school corporation has the responsibility to educate the
8 pupil in its public schools without the payment of tuition;

9 (2) subject to subdivision (5), the school corporation has the
10 responsibility to pay transfer tuition under ~~IC 20-8.1-6.1~~,
11 *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11, because the pupil
12 is transferred for education to another school corporation (the
13 "transferee corporation");

14 (3) the pupil is enrolled in a school corporation as a transfer
15 student under ~~IC 20-8.1-6.1~~, *IC 20-8.1-6.1 (before its repeal)* or
16 IC 20-26-11-6 or entitled to be counted for ADM or additional
17 count purposes as a resident of the school corporation when
18 attending its schools under any other applicable law or regulation;
19 (4) the state is responsible for the payment of transfer tuition to
20 the school corporation for the pupil under ~~IC 20-8.1-6.1~~,
21 *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11; or

22 (5) all of the following apply:

23 (A) The school corporation is a transferee corporation.

24 (B) The pupil does not qualify as a qualified pupil in the
25 transferee corporation under subdivision (3) or (4).

26 (C) The transferee corporation's attendance area includes a
27 state licensed private or public health care facility, child care
28 facility, or foster family home where the pupil was placed:

29 (i) by or with the consent of the ~~division of family and~~
30 ~~children; department of child services;~~

31 (ii) by a court order;

32 (iii) by a child placing agency licensed by the ~~division of~~
33 ~~family and children; department of child services;~~ or

34 (iv) by a parent or guardian under ~~IC 20-8.1-6.1~~,
35 *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11-8.

36 For purposes of IC 21-3-12, the term includes a student enrolled in a
37 charter school.

38 (k) "General fund budget" of a school corporation means the amount

of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

~~(t) "At risk index" means the following:~~

~~(1) For a school corporation that is a not a charter school; the sum of:~~

~~(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);~~

~~(B) the product of four-tenths (0.4) multiplied by the percentage of families in the school corporation with a single parent; and~~

~~(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.~~

~~The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.~~

~~(2) For a charter school; the index determined under subdivision (1) for the school corporation in which the charter school is located.~~

~~(m) (l)~~ "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.

~~(n) (m)~~ "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year.

SECTION 150. IC 24-6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The division of weights and measures shall take charge of the standards adopted by this chapter as the standards of the state, cause them to be kept in a fireproof building belonging to the state, and from which they shall not be

1 removed except for repairs or for certification, and take all other
2 necessary precautions for their safekeeping.

3 (b) The division shall maintain the state standards in good order and
4 shall submit them once in ten (10) years to the National Institute of
5 Standards and Technology for certification. The division or inspectors
6 at the division's direction, shall correct the standards of the several
7 cities and counties, and as often as once in two (2) years compare the
8 same with those in the division's possession, and where not otherwise
9 provided by law the division shall have the general supervision of the
10 weights, measures, and measuring and weighing devices in use in
11 Indiana.

12 (c) The division of weights and measures is also authorized to adopt
13 rules, specifications, and tolerances necessary for the enforcement of
14 this chapter. The division shall, upon the written request of any Indiana
15 citizen, firm, corporation, limited liability company, or institution, test
16 or calibrate weights, measures, weighing, or measuring devices and
17 instruments or apparatus used as standards in Indiana. The division or
18 inspectors at the division's direction, shall at least once annually test all
19 scales, weights, and measures and devices used in checking the receipt
20 or disbursement of supplies in every institution under the jurisdiction
21 of the ~~division of family and children~~ **department of child services**
22 and the division shall report in writing the findings to the executive
23 officer of the institution concerned.

24 (d) The division of weights and measures shall keep a complete
25 record of the standards, balances, and other apparatus belonging to the
26 state and take a receipt for the same from the successor in office to the
27 head of the division.

28 (e) The division or inspectors at the division's direction, shall at least
29 once in two (2) years visit the various cities and counties in Indiana that
30 have appointed sealers of weights and measures in order to inspect the
31 work of the local sealers. In the performance of such duties, the division
32 may inspect the weights, measures, balances, or any other weighing or
33 measuring appliances of any person.

34 (f) The division of weights and measures shall issue from time to
35 time rules for the guidance of state, county, and city sealers or
36 inspectors. The rules shall govern the procedure to be followed by those
37 officers in the discharge of their duties."

38 Page 42, between lines 21 and 22, begin a new paragraph and insert:

1 "SECTION 152. IC 25-16-1-11 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The term
 3 "employment agency", as used in this chapter, means any person, firm,
 4 limited liability company, or corporation, who for hire or with a view
 5 to profit, shall undertake or offer to secure employment or help through
 6 the medium of card, circular, pamphlet, or any medium whatsoever, or
 7 through the display of a sign or bulletin, offer to secure employment or
 8 help, or give information as to where employment or help may be
 9 secured.

10 (b) Nothing in this chapter shall apply to the business and vocation
 11 of babysitting.

12 (c) Nothing in this chapter shall apply to charitable and benevolent
 13 organizations and associations approved by the division of family ~~and~~
 14 ~~children resources~~. All charitable and benevolent organizations and
 15 associations approved by the division of family ~~and children resources~~
 16 shall, before being authorized to conduct such employment agency or
 17 department, secure a permit from the department of state revenue by
 18 filing an application giving such information as may be required. No
 19 charge shall be made for the issuance of such permit, which may be
 20 revoked on the same terms as a license is revocable.

21 SECTION 153. IC 25-19-1-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) There is created
 23 the Indiana state board of health facility administrators composed of
 24 fourteen (14) members as follows:

- 25 (1) The state health commissioner or the commissioner's designee.
- 26 (2) The director of the division of family ~~and children resources~~
 27 or the director's designee.
- 28 (3) The state long term care ombudsman or the state long term
 29 care ombudsman's designee.
- 30 (4) The chief administrative officer of the Indiana University
 31 medical center at Indianapolis or the chief administrative officer's
 32 designee.
- 33 (5) One (1) member of the medical profession holding an
 34 unlimited license to practice medicine in Indiana.
- 35 (6) One (1) hospital administrator who must hold an executive
 36 position in an Indiana hospital.
- 37 (7) Four (4) administrators of licensed proprietary health facilities.
- 38 (8) Two (2) administrators of licensed nonproprietary health

1 facilities.

2 (9) Two (2) members representing the public at large, who:

3 (A) are residents of Indiana; and

4 (B) have never been associated with health facility services or
5 administration in any way other than as a resident or a family
6 member of a resident of a health facility.

7 (b) Those members of the board other than the representatives of
8 state agencies and institutions shall be appointed by the governor after
9 consultation with the associations and societies appropriate to the
10 disciplines and professions representative of the position to be filled.
11 The original and all subsequent physician and hospital administrator
12 appointments shall be for terms of four (4) years. All appointments
13 shall be for four (4) year terms, except that in case of a vacancy prior
14 to term completion, the appointment shall be for the remainder of the
15 unexpired term. Any vacancy, either prior to or at term completion,
16 shall be filled by the governor after consultation with the associations
17 and societies appropriate to the discipline or professions representative
18 of the vacancy. In all cases, the appointees shall serve until their
19 successors are appointed and qualified.

20 (c) The governor may remove any member of the board other than
21 the representative of a state agency or institution for misconduct,
22 incapacity, incompetence, or neglect of duty after the member has been
23 served with a written statement of charges and has been given an
24 opportunity to be heard. Designated representatives of the state
25 agencies or institutions may be removed by the original appointing
26 authority for any of those causes.

27 SECTION 154. IC 25-23.6-1-3.9 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.9. "Governmental
29 employee" means an individual employed by the office of the secretary
30 of family and social services, the division of family ~~and children,~~
31 **resources**, the division of mental health and addiction, the division of
32 disability, aging, and rehabilitative services, the department of
33 correction, or the state department of health in one (1) of the following
34 classifications:

35 (1) 2AA3 Behavioral clinician 3.

36 (2) 2AA4 Behavioral clinician 4.

37 (3) 2AA5 Clinical associate 5.

38 (4) 2FL1 Mental health administrator 1.

- 1 (5) 2FL2 Mental health administrator 2.
- 2 (6) 2FL3 Mental health administrator 3.
- 3 (7) 2AN3 Substance abuse counselor 3.
- 4 (8) 2AN4 Substance abuse counselor 4.
- 5 (9) 2AN5 Substance abuse counselor 5.
- 6 (10) 2AH2 Social services specialist 2.
- 7 (11) 2AH3 Social services specialist 3.
- 8 (12) 2AH4 Social services specialist 4.
- 9 (13) 2AI1 Psychiatric services director 1.
- 10 (14) 2AE2 Psychiatric social services specialist 2.
- 11 (15) 2AE3 Psychiatric social services specialist 3."
- 12 Page 48, between lines 26 and 27, begin a new paragraph and insert:
- 13 "SECTION 160. IC 29-3-1-12 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. "Person" means an
- 15 individual, an organization, an association, a nonprofit corporation, a
- 16 corporation for profit, a limited liability company, a partnership, a
- 17 financial institution, a trust, the division of family ~~and children~~
- 18 **resources** or other governmental entity, or other legal entity.
- 19 SECTION 161. IC 29-3-9-11 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The ~~division of~~
- 21 **family and children department** or county office of family and children
- 22 shall investigate and report to the court concerning the conditions and
- 23 circumstances of a minor or an alleged incapacitated person or
- 24 protected person and the fitness and conduct of the guardian or the
- 25 proposed guardian whenever ordered to do so by the court."
- 26 Page 49, line 35, delete "IC 31-25-4" and insert "**IC 31-25**".
- 27 Page 52, between lines 7 and 8, begin a new paragraph and insert:
- 28 "SECTION 163. IC 31-9-2-26 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. "County office",
- 30 for purposes of **IC 31-25 through IC 31-40 and** the juvenile law,
- 31 refers to a county office of family and children."
- 32 Page 52, delete lines 40 through 42.
- 33 Page 53, delete lines 1 through 25.
- 34 Page 55, between lines 30 and 31, begin a new paragraph and insert:
- 35 "SECTION 191. IC 31-9-2-48.5 IS ADDED TO THE INDIANA
- 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2006]: **Sec. 48.5. "Group home", for**
- 38 **purposes of IC 31-27, means a residential structure in which care**

1 **is provided on a twenty-four (24) hour basis for not more than ten**
 2 **(10) children.**

3 SECTION 192. IC 31-9-2-64 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Interested person",
 5 for purposes of IC 31-19-20 and IC 31-19-24, means any of the
 6 following:

- 7 (1) An adoptee.
- 8 (2) A birth parent.
- 9 (3) An adoptive parent.
- 10 (4) A relative of a birth parent.
- 11 (5) A relative of an adoptive parent.
- 12 (6) The ~~division of family and children~~ **department** or a county
- 13 office of family and children.
- 14 (7) An adoption agency.
- 15 (8) A court."

16 Page 57, between lines 35 and 36, begin a new paragraph and insert:

17 "SECTION 205. IC 31-9-2-106 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 106. (a) "Registry", for
 19 purposes of IC 31-19-5, refers to the putative father registry established
 20 by IC 31-19-5-2.

21 (b) "Registry", for purposes of IC 31-33, refers to the child abuse
 22 registry established by the ~~division of family and children~~ **department**
 23 under IC 31-33-17."

24 Page 60, between lines 8 and 9, begin a new paragraph and insert:

25 "SECTION 214. IC 31-14-4-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A paternity action
 27 may be filed by the following persons:

- 28 (1) The mother or expectant mother.
- 29 (2) A man alleging that:
 - 30 (A) he is the child's biological father; or
 - 31 (B) he is the expectant father of an unborn child.
- 32 (3) The mother and a man alleging that he is her child's biological
- 33 father, filing jointly.
- 34 (4) The expectant mother and a man alleging that he is the
- 35 biological father of her unborn child, filing jointly.
- 36 (5) A child.
- 37 (6) The ~~division of family and children~~ **department** or a county
- 38 office of family and children under section 3 of this chapter.

1 (7) The prosecuting attorney under section 2 of this chapter.

2 SECTION 215. IC 31-14-4-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Upon the request
4 of:

- 5 (1) the child;
- 6 (2) the mother or expectant mother;
- 7 (3) a man alleging to be the father or expectant father;
- 8 (4) the ~~division of family and children~~ **department**; or
- 9 (5) the county office of family and children;

10 the prosecuting attorney shall file a paternity action and represent the
11 child in that action.

12 (b) A prosecuting attorney's office may file a paternity action if the
13 child is:

- 14 (1) or is alleged to be, a child in need of services; and
- 15 (2) under the supervision of the ~~division of family and children~~
16 **department** or the county office of family and children as the
17 result of a court ordered out-of-home placement.

18 SECTION 216. IC 31-14-4-3 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~division of~~
20 ~~family and children~~ **department** or a county office of family and
21 children may file a paternity action if:

- 22 (1) the mother;
- 23 (2) the person with whom the child resides; or
- 24 (3) the director of the county office of family and children;

25 has executed an assignment of support rights under Title IV-D of the
26 federal Social Security Act (42 U.S.C. 651 through 669).

27 SECTION 217. IC 31-14-5-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does
29 not apply to an action filed by the ~~division of family and children~~
30 **department** or its agents under section 4 of this chapter (or
31 IC 31-6-6.1-6(c) before its repeal).

32 (b) The mother, a man alleging to be the child's father, or the
33 ~~division of family and children~~ **department** or its agents must file a
34 paternity action not later than two (2) years after the child is born,
35 unless:

- 36 (1) both the mother and the alleged father waive the limitation on
37 actions and file jointly;
- 38 (2) support has been furnished by the alleged father or by a person

1 acting on his behalf, either voluntarily or under an agreement
2 with:

3 (A) the mother;

4 (B) a person acting on the mother's behalf; or

5 (C) a person acting on the child's behalf;

6 (3) the mother, the ~~division of family and children, department,~~
7 or the county office of family and children files a petition after the
8 alleged father has acknowledged in writing that he is the child's
9 biological father;

10 (4) the alleged father files a petition after the mother has
11 acknowledged in writing that he is the child's biological father;

12 (5) the petitioner was incompetent at the time the child was born;
13 or

14 (6) a responding party cannot be served with summons during the
15 two (2) year period.

16 (c) If any of the conditions described in subsection (b) exist, the
17 paternity petition must be filed not later than two (2) years after the
18 condition described in subsection (b) ceases to exist.

19 SECTION 218. IC 31-14-5-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

21 (1) public assistance has been furnished for the child by the
22 division of family ~~and children, resources;~~ and

23 (2) an assignment of support rights under Title IV-D of the federal
24 Social Security Act (42 U.S.C. 651 through 669) has been
25 executed on behalf of the child;

26 the division of family ~~and children resources~~ or the county office of
27 family and children may file an action before the child becomes
28 nineteen (19) years of age or graduates from high school, whichever
29 occurs first."

30 Page 63, between lines 39 and 40, begin a new paragraph and insert:

31 "SECTION 232. IC 31-16-12.5-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A custodial
33 parent may file a petition for a setoff of child support from a state
34 income tax refund payable to a child support obligor in:

35 (1) the court that entered the original child support order; or

36 (2) a court of competent jurisdiction located in the county of
37 residence of the custodial parent.

38 (b) The petition must be verified and must include all of the

1 following:

2 (1) The full name of:

3 (A) the obligor;

4 (B) the custodial parent; and

5 (C) each child to whom the obligor owes child support.

6 (2) An averment that:

7 (A) the obligor's aggregate child support arrearage on the date

8 the petition is filed is at least one thousand five hundred dollars

9 (\$1,500); and

10 (B) the obligor has intentionally violated the terms of the most
11 recent child support order.

12 (3) An indication of whether the custodial parent:

13 (A) has received or is receiving assistance under the Title IV-A
14 program; or

15 (B) has assigned child support payments under IC 12-14-7-1;
16 during the period ~~of time~~ for which child support is owed by the
17 obligor.

18 (c) The court shall notify the child support bureau of the ~~division of~~
19 **family and children department** of the pendency of an action under
20 this chapter if the petition:

21 (1) indicates under subsection (b)(3)(A) that the custodial parent
22 has received or is receiving assistance; or

23 (2) indicates under subsection (b)(3)(B) that an assignment has
24 occurred.

25 (d) The state has a right to intervene as a party in a hearing under
26 this chapter if the custodial parent has received or is receiving
27 assistance as described in subsection (b)(3)(A) or if an assignment as
28 described in subsection (b)(3)(B) has occurred.

29 SECTION 233. IC 31-16-15-4.5 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. The child support
31 bureau of the ~~division of family and children department~~ shall send
32 notice to an employer, using the National Medical Support Notice
33 described in 45 CFR 303.3, that:

34 (1) a parent ordered to pay support has been ordered to provide
35 insurance coverage as part of the parent's employee benefit plan
36 under IC 31-16-6-4; or

37 (2) an obligation to provide insurance coverage under subdivision
38 (1) is no longer in effect.

SECTION 234. IC 31-16-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Any of the following may prosecute a civil action for support of a parent:

- (1) The parent.
- (2) The township trustee.
- (3) The county director of the county office of family and children.
- (4) The director of the division of family ~~and children~~ **resources**.
- (5) The prosecuting attorney.

(b) Costs may not be taxed against:

- (1) the prosecuting attorney;
- (2) the county director of the county office of family and children;
- (3) the township trustee; or
- (4) the director of the division of family ~~and children~~ **resources**.

Page 64, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 236. IC 31-18-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. If the ~~division of family and children~~ **department** determines that an agent of the Title IV-D agency is neglecting or refusing to provide services to an individual, the ~~division~~ **department** may:

- (1) direct the agent to perform duties of the agent under this article; or
- (2) provide the services directly to the individual.

SECTION 237. IC 31-18-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The ~~division of family and children~~ **department** is the state information agency for Indiana under this article.

(b) The ~~division of family and children~~ **department** shall do the following:

- (1) Compile and maintain a current list, including addresses, of each Indiana tribunal that has jurisdiction under this article and transmit a copy of the list to the state information agency of every state.
- (2) Maintain a registry of tribunals and support enforcement agencies received from other states.
- (3) Forward to the appropriate tribunal in the location in Indiana in which:
 - (A) the obligee or the obligor resides; or

- 1 (B) the obligor's property is believed to be located;
 2 all documents concerning a proceeding under this article received
 3 from an initiating tribunal or the state information agency of the
 4 initiating state.
- 5 (4) Obtain information concerning the location of the obligor and
 6 the obligor's property within Indiana that is not exempt from
 7 execution by the following methods:
- 8 ~~(1)~~ (A) Postal verification.
 9 ~~(2)~~ (B) Federal or state locator services.
 10 ~~(3)~~ (C) Examination of telephone directories.
 11 ~~(4)~~ (D) Requests for the obligor's address from employers.
 12 ~~(5)~~ (E) Examination of governmental records, including, to the
 13 extent not prohibited by other law, records relating to the
 14 following:
- 15 ~~(A)~~ (i) Real property.
 16 ~~(B)~~ (ii) Vital statistics.
 17 ~~(C)~~ (iii) Law enforcement.
 18 ~~(D)~~ (iv) Taxation.
 19 ~~(E)~~ (v) Motor vehicles.
 20 ~~(F)~~ (vi) Driver's licenses.
 21 ~~(G)~~ (vii) Social Security.
 22 ~~(H)~~ (viii) Worker's compensation."
- 23 Page 79, line 38, delete "child" and insert "**department**".
 24 Page 79, line 39, delete "protection services system".
 25 Page 79, line 40, delete "representatives," and insert
 26 "**representatives in carrying out the responsibility of the**
 27 **department under section 7 of this chapter,**".
- 28 Page 80, line 22, delete "child" and insert "**department**".
 29 Page 80, line 23, delete "protection services system".
 30 Page 80, line 24, delete "representatives," and insert
 31 "**representatives in carrying out the responsibility of the**
 32 **department under section 7 of this chapter,**".
- 33 Page 108, line 28, delete "department" and insert "**county office**".
 34 Page 109, line 22, delete "department's" and insert "**department of**
 35 **the county office's**".
- 36 Page 109, line 33, delete "department" and insert "**county office**".
 37 Page 109, line 36, delete "department" and insert "**county office**".
 38 Page 110, line 13, after "be" insert "**filed with and**".

- 1 Page 118, line 31, delete "fund." and insert "**fund established by**
- 2 **IC 12-17.2-2-3.**"
- 3 Page 119, delete line 31.
- 4 Page 124, line 42, delete "check" and insert "**check, as defined by**
- 5 **IC 31-9-2-22.5,**".
- 6 Page 125, line 16, delete "department," and insert "**office,**".
- 7 Page 129, line 28, delete "attorney".
- 8 Page 129, line 30, delete "county office attorney" and insert
- 9 **"department"**.
- 10 Page 130, line 36, after "office" delete "attorney".
- 11 Page 130, line 39, delete "county office attorney" and insert
- 12 **"department"**.
- 13 Page 131, line 40, delete "470 IAC 3-1-1 et seq." and insert "**465**
- 14 **IAC 2-1-1 et seq.**".
- 15 Page 132, line 1, delete "470 IAC 3-1-1 et seq.;" and insert "**465**
- 16 **IAC 2-1-1 et seq.;**".
- 17 Page 132, line 9, delete "470 IAC 3-1-1 et seq.;" and insert "**465**
- 18 **IAC 2-1-1 et seq.;**".
- 19 Page 132, line 33, delete "470 IAC 3-1-1 et seq." and insert "**465**
- 20 **IAC 2-1-1 et seq.**".
- 21 Page 132, line 40, delete "470 IAC 3-1-1 et seq.;" and insert "**465**
- 22 **IAC 2-1-1 et seq.;**".
- 23 Page 140, line 17, after "office" delete "attorney".
- 24 Page 140, line 20, delete "county office attorney" and insert
- 25 **"department"**.
- 26 Page 140, line 30, delete "fund." and insert "**fund established by**
- 27 **IC 12-17.2-2-3.**".
- 28 Page 143, line 38, delete "departments" and insert "**office"**.
- 29 Page 148, line 3, after "office" delete "attorney".
- 30 Page 148, line 5, delete "county office attorney" and insert
- 31 **"department"**.
- 32 Page 149, line 13, after "office" delete "attorney".
- 33 Page 149, line 16, delete "county office attorney" and insert
- 34 **"department"**.
- 35 Page 154, line 27, after "office" delete "attorney".
- 36 Page 154, line 29, delete "county office attorney" and insert
- 37 **"department"**.
- 38 Page 155, line 35, after "office" delete "attorney".

1 Page 155, line 38, delete "county office attorney" and insert
2 **"department"**.

3 Page 165, between lines 23 and 24, begin a new paragraph and
4 insert:

5 "SECTION 276. IC 31-33-17-6, AS AMENDED BY P.L.234-2005,
6 SECTION 149, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon request, a person or an
8 organization may have access to information contained in the registry
9 as follows:

10 (1) A law enforcement agency or the ~~department~~ **division of**
11 **family resources** may have access to a substantiated report.

12 (2) A person may have access to information consisting of an
13 identifiable notation of a conviction arising out of a report of child
14 abuse or neglect.

15 (3) Upon submitting written verification of an application for
16 employment or a consent for release of information signed by a
17 child care provider, a person or an agency may obtain the
18 following information contained in the child abuse registry
19 regarding an individual who has applied for employment or
20 volunteered for services in a capacity that would place the
21 individual in a position of trust with children less than eighteen
22 (18) years of age or regarding a child care provider who is
23 providing or may provide child care for the person's child:

24 (A) Whether a child was found by a court to be a child in need
25 of services based on a report of child abuse or neglect naming
26 the applicant, volunteer, or child care provider as the alleged
27 perpetrator.

28 (B) Whether criminal charges were filed against the applicant,
29 volunteer, or child care provider based on a report of child
30 abuse or neglect naming the applicant, volunteer, or child care
31 provider as the alleged perpetrator.

32 (C) Whether a court has issued an arrest warrant for the
33 applicant, volunteer, or child care provider based on a report
34 of child abuse or neglect in which the applicant, volunteer, or
35 child care provider is named as the alleged perpetrator.

36 (4) A person may have access to whatever information is
37 contained in the registry pertaining to the person, with protection
38 for the identity of:

- 1 (A) the person who reports the alleged child abuse or neglect;
 - 2 and
 - 3 (B) any other appropriate person.
- 4 (5) A person or an agency to whom child abuse and neglect
 - 5 reports are available under IC 31-33-18 may also have access to
 - 6 information contained in the registry.
- 7 (6) If a child care provider provides child care in the provider's
 - 8 home, upon submitting a consent for release of information signed
 - 9 by an individual who is at least eighteen (18) years of age, who
 - 10 resides with the child care provider, and who may have direct
 - 11 contact with children for whom the provider provides child care,
 - 12 a person may obtain the following information contained in the
 - 13 child abuse registry regarding the individual:
- 14 (A) Whether a child was found by a court to be a child in need
 - 15 of services based on a report of child abuse or neglect naming
 - 16 the individual as the alleged perpetrator.
 - 17 (B) Whether criminal charges were filed against the individual
 - 18 based on a report of child abuse or neglect naming the
 - 19 individual as the alleged perpetrator.
 - 20 (C) Whether a court has issued an arrest warrant for the
 - 21 individual based on a report of child abuse or neglect in which
 - 22 the individual is named as the alleged perpetrator.
- 23 (7) The ~~department~~ **division of family resources** may use the
 - 24 following information contained in the registry regarding an
 - 25 individual described in IC 12-17.2-3.5-4.1(a) for purposes of
 - 26 determining the eligibility of a child care provider to receive a
 - 27 voucher payment (as defined in IC 12-17.2-3.5-3):
- 28 (A) Whether a child has been found by a court to be a child in
 - 29 need of services based on a report of child abuse or neglect
 - 30 naming the individual as the alleged perpetrator.
 - 31 (B) Whether criminal charges have been filed against the
 - 32 individual based on a report of child abuse or neglect naming
 - 33 the individual as the alleged perpetrator.
 - 34 (C) Whether a court has issued an arrest warrant for the
 - 35 individual based on a report of child abuse or neglect in which
 - 36 the individual is named as the alleged perpetrator.
- 37 The ~~department~~ **division** may not disclose information used in
 - 38 connection with the ~~department's~~ **division's** activities under this

1 subdivision."

2 Page 176, line 10, after "(6)" delete "a" and insert "**the**".

3 Page 178, between lines 5 and 6, begin a new paragraph and insert:

4 "SECTION 283. IC 31-34-1-16 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The ~~division of~~
6 **family and children department** may not:

7 (1) initiate a court proceeding to:

8 (A) terminate the parental rights concerning; or

9 (B) transfer legal custody of; or

10 (2) require a parent, guardian, or custodian to consent to:

11 (A) the termination of parental rights; or

12 (B) transfer of legal custody of;

13 a child with an emotional, a behavioral, or a mental disorder or a
14 developmental or physical disability who is voluntarily placed out of
15 the home for the purpose of obtaining special treatment or care, solely
16 because the parent, guardian, or custodian is unable to provide the
17 treatment or care. Relinquishment of custody of a child described in this
18 subsection may not be made a condition for receipt of services or care
19 delivered or funded by the ~~division department or the county office~~
20 of family and children.

21 (b) When a child described in subsection (a) is voluntarily placed
22 out of the home to receive special treatment or care, the ~~division of~~
23 **family and children department** and the parent, guardian, or custodian
24 of the child may execute a voluntary placement agreement that includes
25 the following:

26 (1) A statement that, by entering into a voluntary placement
27 agreement, the parent, guardian, or custodian of the child is not
28 transferring legal custody of the child to the ~~division of family and~~
29 **children department**.

30 (2) A statement specifying the legal status of the child.

31 (3) A statement specifying the rights and obligations of the parent,
32 guardian, or custodian."

33 Page 178, line 23, delete "is:" and insert "is".

34 Page 178, line 24, strike "(1)".

35 Page 178, line 25, delete "placement; or" and insert "placement. ~~or~~".

36 Page 178, strike line 26.

37 Page 178, line 27, delete "department,".

38 Page 178, line 27, strike "expected to be residing in the location

- 1 designated as".
- 2 Page 178, strike lines 28 through 29.
- 3 Page 178, run in lines 23 through 29.
- 4 Page 184, line 19, after "office" insert "**or department**".
- 5 Page 186, line 13, reset in roman "a county office".
- 6 Page 186, line 13, after "children," insert "**or**".
- 7 Page 186, line 15, reset in roman "county office".
- 8 Page 186, line 15, after "office" insert "**or the**".
- 9 Page 186, line 19, reset in roman "a county".
- 10 Page 186, line 20, reset in roman "office".
- 11 Page 186, line 20, after "children" insert "**or**".
- 12 Page 186, line 23, reset in roman "county office".
- 13 Page 186, line 23, after "office" insert "**or the**".
- 14 Page 186, line 31, reset in roman "county office".
- 15 Page 186, line 31, after "children." insert "**or the**".
- 16 Page 187, line 14, reset in roman "a county office".
- 17 Page 187, line 14, after "children" insert "**or**".
- 18 Page 189, line 20, reset in roman "county office".
- 19 Page 189, line 20, after "children" insert "**or the**".
- 20 Page 191, line 37, reset in roman "county office".
- 21 Page 191, line 37, after "children" insert "**or the**".
- 22 Page 196, line 4, delete "or".
- 23 Page 196, line 6, reset in roman "county office".
- 24 Page 196, line 6, after "office" insert ";".
- 25 Page 196, line 6, reset in roman "or".
- 26 Page 196, line 7, after "(B)" insert "**(C)**".
- 27 Page 196, line 14, delete "or".
- 28 Page 196, line 16, reset in roman "county office".
- 29 Page 196, line 16, after "office" insert ";".
- 30 Page 196, line 16, reset in roman "or".
- 31 Page 196, line 17, after "(B)" insert "**(C)**".
- 32 Page 199, line 34, after "member of" reset in roman "the".
- 33 Page 199, line 34, reset in roman "staff of".
- 34 Page 201, line 25, reset in roman "county office".
- 35 Page 201, line 26, after "children;" insert "**or the**".
- 36 Page 207, line 22, reset in roman "a county office".
- 37 Page 207, line 22, after "children," insert "**or**".
- 38 Page 207, line 40, after "department" insert ",."

- 1 Page 207, line 40, strike "or".
- 2 Page 207, line 41, reset in roman "county office".
- 3 Page 207, line 41, after "children." insert "**or the**".
- 4 Page 208, line 26, strike "or".
- 5 Page 208, line 27, reset in roman "county office".
- 6 Page 208, line 27, delete "department." and insert "; or
- 7 **(C) the department.**".
- 8 Page 209, line 14, reset in roman "county office".
- 9 Page 209, line 15, after "children" insert "**or the**".
- 10 Page 210, line 4, reset in roman "county office".
- 11 Page 210, line 4, after "children" insert "**or the**".
- 12 Page 210, line 30, reset in roman "county office".
- 13 Page 210, line 30, after "children" insert "**or the**".
- 14 Page 213, line 13, reset in roman "county office".
- 15 Page 213, line 13, after "office" insert "**or the**".
- 16 Page 216, line 39, strike "IC 12-7-2-29)," and insert
- 17 "**IC 31-9-2-16.7)**".
- 18 Page 219, line 4, after "for the" insert "**department on behalf of**
- 19 **the**".
- 20 Page 219, line 6, strike "county office or the".
- 21 Page 219, between lines 37 and 38, begin a new paragraph and
- 22 insert:
- 23 "SECTION 356. IC 33-32-4-2 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
- 25 chapter, "Indiana support enforcement tracking system (ISETS)" refers
- 26 to the statewide automated system for the collection, disbursement, and
- 27 distribution of child support payments established by the ~~division of~~
- 28 ~~family and children.~~ **department of child services.**
- 29 SECTION 357. IC 33-32-4-5 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The clerk is not
- 31 personally liable or liable in the clerk's official capacity on the clerk's
- 32 official bond for funds received if the clerk:
- 33 (1) through error or in accordance with the best information
- 34 available to the clerk, disbursed the funds to a person the clerk
- 35 reasonably believed to be entitled to receive the funds and to
- 36 comply with a:
- 37 (A) child support order; or
- 38 (B) garnishment order;

(2) inappropriately disbursed or misapplied child support funds, arising without the knowledge or approval of the clerk, that resulted from:

(A) an action by an employee of, or a consultant to, the ~~division of family and children;~~ **department of child services;**

(B) an ISETS technological error; or

(C) information generated by ISETS;

(3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;

(4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and

(5) did not commit a criminal offense as a part of the disbursement.

SECTION 358. IC 34-30-2-45.2, AS ADDED BY P.L.145-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45.2. IC 12-16-2.5-6.5 (Concerning administering agreements between the hospital and the division of family ~~and children resources~~ under the hospital care for the indigent program).".

Page 220, line 41, reset in roman "a county office".

Page 220, line 42, after "children;" insert "**or**".

Page 222, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 363. IC 35-46-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

(1) an endangered adult; or

(2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(b) The offense described in subsection (a) is a Class D felony if:

(1) the fair market value of the personal services or property is more than ten thousand dollars (\$10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family ~~and children resources~~ or county office of family and children has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

(d) The offense described in subsection (c) is a Class D felony if:

(1) the amount of the proceeds is more than ten thousand dollars (\$10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.

(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility."

Page 223, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 365. IC 36-7-4-1108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1108. (a) This section applies only to a child care home that is used as the primary residence of the person who operates the child care home.

(b) As used in this section, "child care home" has the meaning set forth in IC 12-7-2-28.6.

(c) Except as provided in subsection (e), a zoning ordinance may not do any of the following:

(1) Exclude a child care home from a residential area solely because the child care home is a business.

(2) Impose limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.

(3) Impose requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children resources~~ or the fire prevention and building safety commission.

(d) Notwithstanding subsection (c), a child care home may be required to meet the same:

- (1) zoning requirements;
- (2) developmental standards; and
- (3) building codes;

that apply to other residential structures in the same residential district or classification as the child care home.

(e) A zoning ordinance:

- (1) that is in effect on July 1, 1993; and
- (2) that:

(A) excludes a child care home from a residential area solely because the child care home is a business;

(B) imposes limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8; or

(C) imposes requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children resources~~ or the fire prevention and building safety commission;

is not subject to subsection (c) until July 1, 1994.

SECTION 366. IC 36-7-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A unit may establish a housing authority if the fiscal body of the unit, by resolution, declares that there is a need for an authority in the unit.

(b) The determination as to whether or not there is a need for an authority may be made by the fiscal body:

- (1) on its own motion;
- (2) on the filing of a petition signed by twenty-five (25) residents of the unit and stating that there is a need for an authority in the unit; or
- (3) on receipt of an order from the division of family ~~and children resources~~.

1 (c) A resolution may be passed under this section only after a public
2 hearing. Notice of the time, place, and purpose of the hearing must be
3 given by the fiscal body by publication in accordance with IC 5-3-1.

4 (d) The fiscal body of a unit may adopt a resolution declaring that
5 there is need for a housing authority in the unit if it finds that:

6 (1) unsanitary or unsafe dwelling accommodations are inhabited
7 in the unit; or

8 (2) there is a shortage of safe or sanitary dwelling
9 accommodations available in the unit for persons of low income
10 at rentals they can afford.

11 In determining whether dwelling accommodations are unsafe or
12 unsanitary, the fiscal body may consider the degree of overcrowding,
13 the percentage of land coverage, the light, air, space, and access
14 available to inhabitants, the size and arrangement of the rooms, the
15 sanitary facilities, and the extent to which conditions in the buildings
16 endanger life or property by fire or other causes.

17 (e) In any proceeding involving any contract of a housing authority,
18 the authority shall be conclusively presumed to have become
19 established and authorized to transact business and exercise its powers
20 under this chapter on proof of the adoption of a resolution by the fiscal
21 body declaring the need for the authority. The resolution is sufficient
22 if it declares that there is a need for an authority and finds that either or
23 both of the conditions listed in subsection (d) exist in the unit. A copy
24 of the resolution certified by the clerk of the fiscal body is admissible

- 1 in evidence in any proceeding."
- 2 Page 223, line 15, after "IC 16-41-40-1;" insert "IC 31-9-2-41.2;"
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 132 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Miller

Chairperson